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ACTS  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN,  
PASSED  
AT THE REGULAR SESSION OF 1853.  
WITH  
AN APPENDIX,  
CONTAINING  
THE STATE TREASURER'S ANNUAL REPORTS,  
FOR THE YEARS 1851-'52.



By Authority.

LANSING:  
GEO. W. PECK, PRINTER TO THE STATE.

1853.

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M62  
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1853

# NAMES

OF THE GOVERNOR, LIEUT. GOVERNOR, SENATORS AND REPRESENTATIVES  
IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS  
CONTAINED IN THIS VOLUME.

~~~~~  
**ROBERT McCLELLAND, GOVERNOR.**  
~~~~~

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LIEUTENANT GOVERNOR, AND PRESIDENT OF THE SENATE.

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George Jones, . . . . .	Eaton, . . . . .	Robert Worden, Jr., . . . . .	Hillsdale, . . . . .

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LAWS OF MICHIGAN.



# LAWS OF MICHIGAN.

[ No. 1. ]

AN ACT to amend section six, chapter one hundred and seventy, of the Revised Statutes of 1846.

SECTION 1. *The People of the State of Michigan enact*, That section six, of chapter one hundred and seventy, of the Revised Statutes of 1846, be amended by striking out the words, "in all cases," and inserting, in lieu thereof, the words: "unless otherwise directed by the Governor;" so that the same shall read as follows:

"Sec. 6. The Governor of this State may, in any case authorized by the constitution and laws of the United States, appoint agents to demand of the executive authority of any other State or territory, or from the executive authority of any foreign government, any fugitive from justice, or any person charged with treason: and the accounts of the agents appointed for that purpose, shall, unless otherwise directed by the Governor, be audited by the Auditor General, and paid out of the State Treasury."

Sec. 2. This act shall take effect immediately.

Approved, January 10, 1853.

[ No. 2. ]

AN ACT to provide for the payment of the members and officers, and incidental expenses of the Legislature.

SECTION 1. *The People of the State of Michigan enact*, That there be appropriated out of any money in the Treasury, to the credit of the general fund, a sum not exceeding twenty-five thousand dollars, for the payment of the members and officers of the Legislature.

**Compensation of members of Senate.**

Sec. 2. The compensation of the President and members of the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day for actual attendance, and when absent on account of sickness, for the first forty days of the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route ; and to the members of the House and the Senate from the upper peninsula, two dollars per day additional, for the first forty days of the session. Each member of the Senate and House of Representatives shall also be entitled to receive five dollars for newspapers and stationery. The compensation of the Secretary, Engrossing and Enrolling Clerk, and Assistant, if one should be employed, and Sergeant-at-Arms of the Senate, (including three dollars to Diodate Hubbard, for one day's service as Sergeant-at-Arms of the Senate,) and of the Clerk, Engrossing and Enrolling Clerk, and Assistant, if one should be employed, and Sergeant-at-Arms of the House of Representatives, and of the Reporters of either House, and of the Clerks employed with the consent of either Senate or House of Representatives, by the Senate or House of Representatives, or by any of the standing or special committees of either of said Houses, shall be three dollars per day for actual attendance during the session. The compensation of the fireman of the Senate and of the House of Representatives, shall be two dollars per day, for actual attendance during the session. The compensation of the Messengers of the Senate and House of Representatives, shall be one dollar and fifty cents per day for actual attendance during the session.

**How certified.**

Sec. 3. Such sums as may be due to the Secretary of the Senate, and the Clerk of the House of Representatives, shall be certified by the presiding officer of the respective houses, and countersigned by the Auditor General ; such sums as may be due the President of [the] Senate, and the Speaker of the House of Representatives, shall be certified by the Clerk or Secretary of the respective houses, and countersigned by the Auditor General ; and such sums as may be due the members and other officers of either house shall be certified by the Secretary or Clerk and countersigned by the presiding officer of the respective houses ; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in the preceding section, is hereby authorized and directed to pay the same. And

there is also hereby appropriated from the general fund such sums Certain claims, how paid. as may be necessary to pay warrants that may be drawn upon claims ~~allowed by the Board of State Auditors.~~

Sec. 4. No clerk shall be employed by any standing or select committee, except by the consent of the Senate, or the House of Representatives.

Approved, January 14, 1853.

[ No. 3. ]

AN ACT relative to the organization of the County of Ontonagon, in the Upper Peninsula.

*The People of the State of Michigan enact,* SECTION 1. That the election of county officers in and for the county of Ontonagon, in the Upper Peninsula, held and had on the last Tuesday of September, in the year eighteen hundred and fifty-two, and the organization of said county under and by virtue of said election, be and the same are hereby legalized; and the same shall be held valid and effectual to all intents and purposes; and the said county shall be held and deemed to have been duly organized on and after the first day of January, in the year eighteen hundred and fifty-three, and the inhabitants of said county shall possess and enjoy all the rights, powers and privileges possessed and enjoyed by the inhabitants of other organized counties of this State. Election of officers legalized.

Sec. 2. That if any of the county officers elected in said county at said election shall not at the time of the passage of this act have qualified and entered upon the duties of office as such officers, it shall be lawful for them to do so at any time previous to the fifteenth day of March, in the year eighteen hundred and fifty-three. May qualify any time previous to fifteenth of March, 1853.

Sec. 3. That the records of deeds, mortgages and conveyances of lands, situate in said county of Ontonagon, duly acknowledged and recorded in pursuance of existing laws in the county of Houghton, prior to the said first day of January, shall be deemed and held valid to all intents and purposes in like manner and to the same effect as if the said county of Ontonagon had until that time continued attached to the county of Houghton for judicial purposes. Records of deeds, &c., when to be held valid.

## LAWS OF MICHIGAN.

Part of  
Houghton  
Co. annexed  
to Ontona-  
gon.

Sec. 4. That all that part of Houghton county lying west of the line between ranges thirty-five and thirty-six, heretofore constituting a part of said county, be and the same is hereby annexed to and shall constitute a part of the county of Ontonagon.

This act shall take effect immediately.

Approved January 17, 1853.

[ No. 4. ]

AN ACT relative to the organization of the County of Marquette, in the Upper Peninsula.

Election of  
Co. Officers  
legalized.

*The People of the State of Michigan enact,* SECTION 1. That the election of county officers in and for the county of Marquette, held in November, eighteen hundred and fifty-one, and the organization of said county under and by virtue of said election, be and the same are hereby legalized, and the same shall be deemed and held valid to all intents and purposes, as fully and to the same effect, as if the said election had been had and held on the second Monday in June, in said year mentioned in an act entitled "An act to perfect the organization of the county of Marquette, in the Upper Peninsula, and to attach the county of Schoolcraft thereto for judicial purposes," approved April seventh, eighteen hundred and fifty-one; and the said county shall be deemed and held to have been fully organized from and after the first day of December, in said year, and the inhabitants thereof to possess and enjoy all and singular the rights and privileges possessed and enjoyed by other organized counties of the State.

held.

Sec. 2. The election of county officers had and held in said county on the last Tuesday of September, in the year eighteen hundred and fifty-two, shall be deemed and held valid and effectual to all intents and purposes.

Records of  
deeds, &c.,  
when valid.

Sec. 3. The records of deeds, mortgages, and conveyances of land situated in said counties of Marquette and Schoolcraft made in the office of the register of deeds for said county of Marquette, the said thirty-first day of December, in the year eighteen hundred and fifty-one, and which have been duly acknowledged and there recorded, in pursuance of existing laws, shall be deemed and held valid and ef-

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fectual to all intents and purposes, in like manner as the records of conveyances duly made of lands in other organized counties.

Sec. 4. That all that part of the county of Marquette, embraced in range twenty-six, and heretofore set off as belonging to the township of Marquette, in the organization thereof, be and the same is transferred to the township of Carp River, in said county.

Part of the Co. of Marquette transferred to the township of Carp River.

Sec. 5. This act shall take effect immediately.

Approved January 17, 1853.

[ No. 5. ]

AN ACT to extend the time for the collection and return of taxes in the townships of Campbell and Sebewa, in the county of Ionia, and for the purpose of authorizing the supervisors thereof to make out new and corrected tax rolls for said towns for the year 1852, and for other purposes.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection and return of taxes in said towns of Campbell and Sebewa, in the county of Ionia, for the year A. D. 1852, be and is hereby extended to the first day of April next.

Time extended.

Sec. 2. The supervisors of the said towns of Campbell and Sebewa, in the county of Ionia, are hereby authorized and empowered to make out and deliver to the treasurers of said towns, new and corrected tax rolls for said towns for the year 1852, based upon the last assessment rolls of said towns, and to include and levy in said tax rolls, all sums of moneys voted and reported by the proper officers of the several school districts of said towns, heretofore made to them, agreeable to the provisions of existing laws.

Duty of supervisors with regard to making new & corrected tax roll.

Sec. 3. The treasurers of the said towns of Campbell and Sebewa, shall, upon receipt of said tax rolls, proceed to collect the taxes therein levied and taxed, agreeable to existing laws, and to pay the same over to those entitled to receive the same, as directed in the warrants thereunto attached, and to make return to the county treasurer of all non-resident and other unpaid taxes, in the manner now provided by law, by the first day of April next.

Duty of town treasurer.

Sec. 4. The county treasurer of the said county of Ionia, shall, on or before the first day of May next, make out and transmit to the Auditor General, a certified transcript of all lands upon which the

Duty of Co. treasurer relative to transcript of unpaid taxes.

taxes are returned unpaid, agreeable to the provisions of ~~section 40~~ of chapter 20, title 5, revised statutes of 1846; and all proceedings upon said return by the Auditor General, in the manner directed by said act, shall be as valid as if made at the time directed therein.

Duty of supervisor.

Sec. 5. The supervisors of said towns shall not be entitled to extra compensation for making said corrected tax rolls, and they shall deliver the same to the treasurer, as before provided, within ten days after the passage of this act; they shall also credit upon said roll all such sums as have been paid upon the rolls previously made for said taxes.

Sec. 6. This act shall be in force from and after its passage.

Approved January 19, 1853.

[ No. 6. ]

AN ACT, making appropriations for the salaries of State Officers for the years eighteen hundred and fifty-three and eighteen hundred and fifty-four.

Salaries of Governor, Judges, State officers, deputies and clerks, for 1853.

SECTION 1. *The People of the State of Michigan enact, That there be and the same is hereby appropriated out of any moneys in the treasury, to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State Officers for the year eighteen hundred and fifty-three: For the salary of the Governor, one thousand dollars; and for the salaries of the Associate Judges of the Supreme Court, fifteen hundred dollars each; for the salary of the District Judge of the Upper Peninsula, one thousand dollars; for the salary of the District Attorney of the Upper Peninsula, seven hundred dollars; for the salaries of the Auditor General and State Treasurer, one thousand dollars each; and for the salary of the Commissioner of the State Land Office, eight hundred dollars; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, eight hundred dollars; for the salary of the Superintendent of Public Instruction, one thousand dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the Quarter-Master General, one hundred and fifty dollars; for the salaries of the Deputy State Treasurer and Deputy Auditor General, seven*



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hundred dollars each ; for the salary of the Deputy Secretary of State, seven hundred dollars ; for the salary of the Deputy Commissioner of the State Land Office, seven hundred dollars ; for the salary of the Book-keeper of the State Land Office, six hundred dollars ; for the salary of the State Librarian, five hundred dollars ; to the Private Secretary of the Governor, the sum of three dollars per day, during the session of the Legislature and for eight days thereafter, to be paid on the certificate of the Governor ; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each ; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each ; for the salary of the Reporter of the Supreme Court, five hundred dollars.

Sec. 2. That there be and the same is hereby appropriated, out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of State Officers for the year eighteen hundred and fifty-four : For the salary of the Governor, one thousand dollars ; for the salaries of the Judges of the Circuit Court, fifteen hundred dollars each ; for the salary of the District Judge of the Upper Peninsula, one thousand dollars ; for the salary of the District Attorney of the Upper Peninsula, seven hundred dollars ; for the salaries of the Auditor General and State Treasurer, one thousand dollars each ; for the salary of the Commissioner of the State Land Office, eight hundred dollars ; for the salary of the Superintendent of Public Instruction, one thousand dollars ; for the salary of the Attorney General, eight hundred dollars ; for the salary of the Secretary of State, eight hundred dollars ; for the salary of the Adjutant General, three hundred dollars ; for the salary of the Quarter-Master General, one hundred and fifty dollars ; for the salaries of the Deputy State Treasurer and Deputy Auditor General, seven hundred dollars each ; for the salaries of the two regular clerks of the Auditor General, six hundred dollars ; for the salary of the Deputy Commissioner of the State Land Office, seven hundred dollars ; for the salary of the Book-keeper of the State Land Office, six hundred dollars ; for the salary of the Deputy Secretary of State, seven hundred dollars ; for the salary of the State Librarian, five hundred dollars ; for the salaries of all other clerks employed by the Auditor General, a sum at the rate of six hundred dollars a year each ;

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for the salary of the Reporter of the Supreme Court, five hundred dollars.

This act shall take effect immediately.

Approved January 21, 1853.

## [ No. 7. ]

AN ACT to authorize the collection of corporation taxes for the year 1852, in the village of Coldwater, in the county of Branch.

Collection of  
corporation  
taxes, au-  
thorized.

SECTION 1. *The People of the State of Michigan enact, That the tax roll of the village of Coldwater, in the county of Branch, for the year eighteen hundred and fifty-two, shall be deemed, and is hereby declared to be, as valid and legal as if the same had been made out and delivered to the marshal of said village, within the time prescribed by the rules and ordinances of said village.*

Time for  
collection  
extended.

Sec. 2. The time for the collection of said tax roll is hereby extended to the first Monday in April next; and the marshal of said village is hereby authorized and empowered to collect the same, within the time aforesaid, in the manner prescribed by the ordinances of said village.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 21, 1853.

## [ No. 8. ]

AN ACT to extend the time for the collection of Taxes in the township of Pontiac, in the county of Oakland.

Time exten-  
ded.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the township of Pontiac, in the county of Oakland, for the year eighteen hundred and fifty-two, is hereby extended until the first Monday of April next.*

Duty of  
treasurer.

Sec. 2. The treasurer of said township of Pontiac, is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the lifetime of his warrant, and make his return at any time on or before the first Monday of April next; and his said

## LAWS OF MICHIGAN.

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warrant is hereby continued in force, for the purposes aforesaid, until the first Monday of April next.

Sec. 3. It shall be the duty of the treasurer aforesaid, before he shall be entitled to the benefits of this act, to pay over all moneys collected in the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Oakland. <sup>Ibid.</sup>

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the annual taxes for the year eighteen hundred and fifty-one, duly returned to the Auditor General for non-payment. <sup>Transcript of unpaid taxes, how returned.</sup>

Sec. 5. This act shall take effect immediately.

Approved January 21, 1853.

### [ No. 9. ]

AN ACT to extend the time for the collection of taxes in the township of Heath, county of Allegan, for the year 1852.

SECTION 1. *The People of the State of Michigan enact*, That the supervisor of the township of Heath, in the county of Allegan, be and he is hereby authorized to make out a tax roll from the assessment roll of the year 1852, for said township of Heath, and deliver the same, with his warrant for the collection thereof, to the sheriff of Allegan county, within ten days after notice of the passage of this act. <sup>Duty of supervisor.</sup>

Sec. 2. Upon the receipt of the said tax roll and warrant by the said sheriff, he shall forthwith execute to the county treasurer a bond similar to the one required of township treasurers, and in the collections and returns of said taxes, the powers and duties and compensation of the said sheriff shall be the same as provided in section 53 of chapter 20 of title 5 of the revised statutes. <sup>Duty of sheriff.</sup>

Sec. 3. The said sheriff shall have until the first day of April next in which to collect and account for the said taxes, and to make return to the county treasurer of all unpaid taxes; and his said collections and returns shall be in all respects as valid and effectual

## LAWS OF MICHIGAN.

as if made in the manner and within the time prescribed by law for the collection of the regular annual taxes.

Transcript  
of unpaid  
taxes, how  
returned.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the annual taxes for the year 1852, duly returned to the Auditor General.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 24, 1853.

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[ No. 10. ]

AN ACT to repeal an act entitled an act to incorporate the Adrian Insurance Company, approved, April 17, 1839.

Act repeal-  
ed.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled an act to incorporate the Adrian Insurance Company, approved April 17, 1839, and all acts to amend the same, be and the same hereby are repealed: *Provided*, That this act shall in no wise impair or affect any existing liability, contract, or obligation of said Adrian Insurance Company, or of any of its officers or stockholders, to or with any person or persons, or any body politic or corporate; nor the right of any such person or persons, body politic or corporate, to enforce such liability, contract, or obligation, by any appropriate remedy or remedies, nor the right of said company to hold and enforce the collection of any demand or obligation now held, or owing to said company in good faith; but said company shall be deemed to have a continued legal existence for the purpose of the due prosecution of such remedy or remedies, and the collection of such demands and obligations, and for that purpose only.

Approved January 24, 1853.

[ No. 11. ]

**AN ACT** to amend the act entitled "an act to provide for [holding] terms of the District Court in the Upper Peninsula," approved June 28, 1851.

**SECTION 1.** *The People of the State of Michigan enact,* That the act entitled "an act to provide for holding terms of the district court in the Upper Peninsula," approved June 28, 1851, be amended so as to read as follows, viz: There shall be held by the district judge in that portion of the State denominated the Upper Peninsula, ten general terms of the district court in each year, to wit: two terms in each of the counties of Mackinac, Chippewa, Marquette, Houghton and Ontonagon. Act No. 185 of 1851 amended.

**Sec. 2.** Statutes relative to the circuit courts, and proceedings therein, which are not inapplicable to said district court, shall be held and deemed to apply to the said district court, and the proceedings therein.

**Sec. 3.** Whenever the district judge shall be unable to hold the said court, or shall be prevented from any cause from holding the same, or when he may have been of counsel, or may be interested in any causes pending therein, the said court may be held, and such cause or causes, and any other cause then pending in said court, may be heard and determined by any one of the circuit judges, [with] the same power and authority as the said district judge. When circuit judge may hear and determine causes in district court.

Approved January 24, 1853.

[ No. 12. ]

**AN ACT** to provide for the payment of the expenses of the State Government.

**SECTION 1.** *The People of the State of Michigan enact,* That the sum of ten thousand dollars in the year eighteen hundred and fifty-three, and the sum of thirty thousand dollars in the year eighteen hundred and fifty-four, be raised and collected upon the taxable property of the State, and the same is hereby appropriated for the payment of the expenses of the State Government, and the interest upon the State debt not otherwise provided for. Appropriation.

Duty of Auditor General relative to apportionment.

Sec. 2. The Auditor General shall apportion, in each year, the sums herein provided to be raised, among the several counties, in proportion to the valuation of the taxable property therein, as determined by the State Board of Equalization; and he shall, on or before the fifteenth day of September, in each year, make out and transmit to the clerks of the several boards of supervisors, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Duty of supervisors.

Sec. 3. The boards of supervisors shall, at their annual session, in each year, ascertain and determine the amount of money to be raised by tax for county purposes in their respective counties, and apportion such amount, and also the amount of State tax apportioned to their respective counties by the Auditor General, among the several townships of the county in proportion to the valuation of the taxable property therein, as equalized by the board of supervisors for said year; which determination and apportionment shall be entered at large on their records.

Approved January 24, 1853.

[ No. 13. ]

AN ACT to amend Section one, Chapter forty-eight, Title nine, of the Revised Statutes of 1846.

Sec. 1, chap. 48, title 9 of R. S. of 1846 amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of said chapter be amended so as to read as follows:

Exemption of firemen from militia duty, &c.

"Sec. 1. Any person who was a fireman in any incorporated city or village in this State on the sixth day of February, one thousand eight hundred and forty-three, or at any time thereafter, and who shall have served for the term of seven years from that time, or from the time of his appointment, if appointed since that time, and every person who may hereafter be appointed a fireman in any such city or village, and serve as such fireman, shall, during the time of such service, be exempted from serving as a juror in any of the courts of this State, from the payment of any tax assessed against his person for labor on highways, and from the performance of all militia duty; and any fireman who shall serve a term of seven years, shall forever

thereafter be exempt from all militia duty, except in cases of invasion or insurrection."

Approved January 24, 1853.

[ No. 14. ]

AN ACT ceding jurisdiction to the United States over divers tracts of lands for light houses.

SECTION 1. *The People of the State of Michigan enact*, That jurisdiction is hereby ceded to the United States, over a certain tract of land on Beaver Island, lake Michigan, being lot number three, section twenty, in township number thirty-seven north of range number ten west, for the purpose of a light house. Also, over a certain tract of land now selected and located for a light house, on the west side of Eagle River, Lake Superior, near its mouth, in Houghton county: *Provided always*, and the assent aforesaid is granted upon the express condition that this State shall retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this State against any person or persons charged with crimes committed without or within the bounds of said tracts of land, may be executed therein in the same way and manner as though this assent had not been granted.

Jurisdiction  
ceded to the  
U. S. over  
certain tracts  
of land, for  
light houses.

Proviso.

Sec. 2. Jurisdiction is hereby ceded to the United States over such tracts of land as shall hereafter be selected by the authority of the United States for light house purposes at the following points, to wit: On the Straits of Mackinaw at old Point Mackinaw, on the south shore; on Lake Michigan at the entrance of Beaver Island harbor; at the mouth of the Manistee river; at the mouth of the Pierre Marquette river; at the mouth of south Black River, in the county of Van Buren; at or near the mouth of Pine River; at the mouth of the Manistique River, and on South Fox, Island; on Lake Superior at Round Island off Point Aux. Chene in St. Mary's River; at Point Iroquois at the head of Saint Mary's River; at the east entrance of Grand Island harbor; at the west entrance of Grand Island harbor, on Stannard's Rock; and at two suitable points for light houses on Isle Royal: *Provided*, such tracts of land shall in no case exceed

Locations.

Proviso.

Ibid.

fifty acres to any one tract; and that the jurisdiction hereby ceded shall not take effect nor enure to the benefit of the United States, over and upon either of said tracts of land, until the proper authorities of the United States shall have selected the same, and established the bounds thereof, and filed a map of the same with a certificate of the selection of the same and the boundaries thereof, in the office of the Secretary of State of this State; nor until an appropriation of money for the erection of a light house thereon shall have been made. And provided further, that the jurisdiction aforesaid is granted upon the condition and with the reservation, that this State shall retain a concurrent jurisdiction with the United States, in and over the several tracts of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this State, against any person or persons charged with crimes committed within or without the bounds of said tracts of land, may be executed therein in the same way and manner as though this act had not been passed.

Approved January 27, 1853.

[ No. 15. ]

AN ACT to authorize the Commissioner of the State Land Office to lease certain State property in the city of Detroit.

Commissioner of land office authorized to lease certain property.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office be and he is hereby authorized and empowered, in the name and on behalf of said people, to lease to John Ladue, for a term not exceeding eight years, and at a rent not less than three hundred and fifty dollars per annum, all that certain piece or parcel of ground belonging to said State, now occupied by the said John Ladue, situate west of the Campus Martius in the city of Detroit, known as the "triangular lot:" *Provided*, The State may sell the premises so leased at any time, subject to the equitable rights of said Ladue.

This act shall take effect immediately.

Approved January 28, 1853.



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[ No. 16. ]

**AN ACT** to repeal section seven of an act to amend an act to consolidate the laws in relation to county courts, and for other purposes, approved April 2, 1850.

**SECTION 1.** *The People of the State of Michigan enact,* That section seven of an act to amend an act to consolidate the laws in relation to county courts, and for other purposes, approved April 2, 1850, be and the same is hereby repealed; said section being as follows:

**Sec. 7.** That no county judge, or judge of probate, shall hold the office of justice of the peace.

**Sec. 2.** This act shall take effect and be in force from and after its passage.

Approved January 29, 1853.

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[ No. 17. ]

**AN ACT** to amend section two of chapter nine of the revised statutes of eighteen hundred and forty-six.

**Sec. 1.** *The People of the State of Michigan enact,* That section two of chapter nine of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows: Section 2 of chapter 9 of R. S. of 1846 amended.

**Sec. 2.** The Secretary of State, on the receipt of the certified copies of the statement of votes given in the several counties, directed by law to be sent to him by the county clerks, shall make a record of the aggregate number of votes given for each person in the several counties, in a suitable book to be kept by him for that purpose, and shall place on file and preserve such certified copies in his office. Secretary of State to record abstract of votes.

Approved January 29, 1853.

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[ No. 18. ]

**AN ACT** to organize the county of Emmet.

**SECTION 1.** *The People of the State of Michigan enact,* That the county of Emmet shall be organized, and the inhabitants thereof entitled to all the rights, privileges and immunities to which by law the inhabitants of other organized counties of this State are entitled. County of Emmet organized.

Election of  
Co. officers.

Sec. 2. There shall be elected in the said county of Emmet on the first Tuesday of May next, all the several county officers to which by law the said county is entitled; and said election and the canvass shall in all respects be conducted and held in the manner prescribed by law for holding elections and canvasses for county and State officers: *Provided*, That the canvass shall be held at the village of St.

Canvass  
where held.

James in said county, on the Monday next following said election, and said county officers shall immediately be qualified and enter upon the duties of their respective offices, and their several terms of office shall expire at the same time that they would have expired had they been elected at the last general election: *And provided further*, That until such county officers are elected and qualified, the proper county officers of the county of Mackinac shall perform all the duties appertaining to the said county of Emmet, in the same manner as though this act had not passed.

Board of  
canvassers;  
of whom to  
consist.

Sec. 3. The board of canvassers of said county under this act shall consist of the presiding inspectors of election from each township therein, who shall organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of aboard of county canvassers, as in ordinary cases of elections for county and State officers.

Sec. 4. The county of Emmet shall have concurrent jurisdiction upon lake Michigan and Green Bay with the other counties contiguous thereto.

Boundaries  
of the town-  
ship of  
Peaine ex-  
tended.

Sec. 5. The boundaries of the township of Peaine in the county of Emmet shall be extended so as to include the rocks, bars and land under water, contiguous to the Beaver Islands, and nearer to them than to any other land in said county.

Township  
of Galilee  
organized.

Sec. 6. All that part of the township of Peaine, (as in the last preceding section described,) which lies in the towns thirty-seven north of ranges ten and eleven west, and the south half of towns thirty-eight north of ranges ten and eleven west, shall be organized into a separate township by the name of Galilee, and the first township meeting shall be held at the store occupied by Ludlow Hill.

Charlevoix  
annexed to  
Emmet for  
certain pur-  
poses.

Sec. 7. All that part of the State of Michigan known as the county of Charlevoix shall be erected into a separate township, by the name of Charlevoix, and the first township meeting therein shall be held

at the house of Galen B. Cole, and the said township is hereby annexed to the said county of Emmet, and shall for all purposes be deemed and taken to be within a part of said county.

Sec. 8. All the Islands, bars, rocks and lands under water, contiguous to the said counties of Emmet and Charlevoix, and within the State of Michigan, not heretofore by any Legislative enactment included within the body of any county in said State, together with so much of range four west, as was heretofore included in Cheboygan county, are hereby annexed to the said county of Emmet, and shall for all purposes be deemed and taken to be within and a part of said county.

*Certain islands, bars, attached to the county of Emmet.*

Sec. 9. The county seat of said county shall be fixed by the board of supervisors of said county.

Sec. 10. The register of deeds of the county of Emmet shall, on the request and at the expense of the persons interested, copy from the records in the office of the register of deeds of Mackinac, all records of deeds and instruments in writing, conveying, or in any wise limiting or affecting the title to any real estate in the county of Emmet, as hereby organized, and the copies so made shall be deemed and taken to be original records, for all purposes whatsoever.

*Duty of Register of Emmet Co. in reference to records in Mackinac county.*

Sec. 11. This act shall take effect immediately.

Approved January 29, 1853.

[ No. 19. ]

AN ACT to amend chapter fifteen of the revised statutes of 1846.

SECTION 1. *The People of the State of Michigan enact*, That section seven of chapter fifteen of the revised statutes of 1846, be amended by striking out the words "county judge," in the seventh line of said section, and inserting instead thereof the words "circuit court commissioner;" so that said section so amended shall read as follows :

*Sec. 7, chapter 15, R. S. 1846, amended.*

"Sec. 7. The Governor may direct the prosecuting attorney of the county in which such officer may be, unless such prosecuting attorney be the officer charged, to conduct an inquiry into the charges made ; and such prosecuting attorney shall thereupon give at least eight days notice to the officer accused, of the time and place at which he will proceed to the examination of witnesses in relation to such charges,

*Prosecuting attorney to conduct examinations, &c.*

before some circuit court commissioner for the same county ; and he shall also, at the time of giving such notice, serve on the officer accused, a copy of such charges."

**Section 10  
amended.**

That section ten of said chapter be amended by striking out the word "judge," whenever it occurs therein, and inserting instead thereof the word "commissioner;" so that said section as amended shall read :

**Resolutions  
made  
to be trans-  
mitted to  
Governor.**

"Sec. 10. At the time and place therein specified in the notice, the commissioner before whom such inquiry shall be conducted, shall proceed to take the testimony of the witnesses produced before him by the prosecuting attorney and the officer accused, which witnesses shall be sworn by such commissioner ; and every answer given by them to any question which either party shall require to be reduced to writing, shall be written by or under the direction of such commissioner; their testimony shall then be read to and subscribed by them, and shall be certified by the commissioner taking the same, and delivered to the prosecuting attorney, who shall transmit the same to the Governor."

**Section 12  
amended.**

That section twelve of said chapter be amended by striking out the words "and the county judge," in the first line, and the letter "s" in the word "judges," in the ninth line of said section; so that said section twelve as amended shall read :

**Authority  
to remove  
Ck. clerk.**

"Sec. 12. The judge of the circuit court and the circuit court commissioner shall have authority in term time or vacation to remove the county clerk, when in their opinion he is incompetent to execute properly the duties of his office ; or when, on charges and evidence, they shall be satisfied that he has been guilty of official misconduct, or habitual or wilful neglect of duty, if, in their opinion, such misconduct or neglect shall be a sufficient cause for such removal ; but no such clerk shall be removed for such misconduct or neglect, unless charges thereof shall have been preferred to said judge or commissioner, and notice of the hearing, with a copy of the charges, delivered to such clerk, and a full opportunity given him to be heard in his defence."

**Check may  
be heard in  
defence.**

Sec. 2. This act shall take effect immediately.

Approved January 29, 1853.

[ No. 20. ]

AN ACT to organize the county of Cheboygan.

SECTION 1. *The People of the State of Michigan enact, That the counties of Cheboygan and Wyandot shall be organized in one county, by the name of Cheboygan, and the inhabitants thereof entitled to all the rights, privileges, and immunities, to which by law the inhabitants of other organized counties are entitled.*

County of  
Cheboygan  
organized.

Sec. 2. There shall be elected in the county of Cheboygan, on the first Tuesday of May next, all the several county officers to which by law the said county is entitled, and said election and the canvass shall, in all respects, be conducted and held in the manner prescribed by law for holding elections and canvasses for county and State officers: *Provided*, That the canvass shall be held at the village of Duncan, in said county, on the Monday next following said election, and said county officers shall immediately be qualified, and enter upon the duties of their respective offices, and their several terms of office shall expire at the same time they would have expired had they been elected at the last general election: *And provided further*, That until such county officers are elected and qualified, the proper officers of the county of Mackinac shall perform all the duties appertaining to the officers of said county of Cheboygan, in the same manner as though this act had not passed.

County offi-  
cers, when  
elected.

Canvass,  
when held.

Proviso.

Sec. 3. The board of canvassers of said county, under this act, shall consist of the presiding inspector of each township therein, who shall organize by appointing one of their number chairman, and another secretary of the board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and State officers.

Board of  
canvassers.

Sec. 4. The county of Cheboygan shall have concurrent jurisdiction upon Lake Huron, and Thunder and Saginaw Bays, with the other counties contiguous thereto.

Concurrent  
jurisdiction.

Sec. 5. All that part of the township of Cheboygan which lies west of the middle of the main channel of Mullet Lake, and Cheboygan River, and of a line extended due north from the mouth of said river to the north bounds of the county, shall be organized into a separate township, by the name of Duncan, and the first township meeting therein shall be held at the hotel in the village of Duncan.

Boundaries  
of the town-  
ship of Dun-  
can.

**County seat.** Sec. 6. The county seat of Cheboygan county is hereby fixed and established at the village of Duncan, on Cheboygan river, in said county.

**Counties attached to Cheboygan for certain purposes.** Sec. 7. The counties of Presque Isle, Alpena, Montmorency, Otsego, Crawford, Oscoda, Alcona, Iosco, Ogemaw, and Roscommon, are hereby attached to the county of Cheboygan for judicial and municipal purposes.

Sec. 8. This act shall take effect immediately.

Approved, January 29, 1853.

[ No. 21. ]

AN ACT to amend section five, chapter fifty of the revised statutes of 1846, relative to unauthorized banking, &c.

**Sec. 5, chap. 55, R. S. 1846 amended.** SECTION 1. *The People of the State of Michigan enact, That* section five of chapter fifty of the revised statutes of 1846, entitled "of unauthorized banking, and certain notes or evidences of debt issued by banks," be amended to read as follows :

**Penalty for issuing bills, &c., to circulate as money, without express authority.**

"Sec. 5. No person, association, or body corporate, whether public or private, except such bodies corporate as are or shall be expressly authorized by law to do a regular banking business, and to issue bank bills, shall issue any bills, notes, due bills, drafts or other evidences of debt, in the similitude of bank bills, or to be loaned or put in circulation as money, or to pass or to be used as a currency or circulating medium ; and every person, and every member of such corporation, who shall violate the provisions of this section, shall be punished by imprisonment in the State prison not more than (3) three years, or in the county jail not more than one year ; or by fine not exceeding one thousand dollars, or both, in the discretion of the court; and any such corporation shall thereby forfeit all its corporate rights and privileges."

Sec. 2. There shall be added to said chapter fifty, two new sections, as follows :

**Penalty for issuing post notes, &c.**

"Sec. 8. No person, association or corporation authorized by law to do a regular banking business, shall issue any certificate of deposit or post note, in the similitude of a bank bill, or to be loaned or put in circulation as money, or to pass or be used as a currency or circu-

lating medium ; and every person, and every member of such corporation, who shall violate the provisions of this section, shall be punished by imprisonment in the State prison not more than three years, or in the county jail not more than one year, or by fine not exceeding one thousand dollars, or both, in the discretion of the court."

"Sec. 9. It shall be the duty of the prosecuting attorney of each county to prosecute every violation of the provisions of said chapter, which may occur within his county; and if in any case, after due notice or knowledge thereof, he neglect so to do, he shall forfeit the sum of five hundred dollars, to be recovered with costs in an action of debt by any person who may sue therefor."

*Duty of prosecuting attorney.*

Approved January 29, 1853.

[ No. 22. ]

**AN ACT** to provide for filing certain reports in the Auditor General's Office, and for other purposes.

**SECTION 1.** *The People of the State of Michigan enact,* That all reports of the amount of capital stock of incorporated bodies paying specific taxes, hereafter received by any State officer, shall be placed on file in the Auditor General's office within one week after their receipt.

*Certain reports to be filed in Auditor General's office.*

**Sec. 2.** The Auditor General is authorized and required, upon the receipt of such copies, to estimate and charge upon the books of his office, the amount of specific tax due from the company making such report; and in case any company shall neglect or refuse to pay the tax required by its charter, within twenty days after the same is due, it shall be the duty of the Auditor General to issue his warrant to the sheriff of the county in which such company is located, commanding him to forthwith levy the same, together with ten per cent for his fees, by distress and sale of any of the property of said company, wherever the same may be found within his county, and to pay over the same, reserving his fees, to the State treasury, within ten days after the same is collected.

*Duty of Auditor General.*

**Sec. 3.** The sheriff shall give public notice of the time and place of sale, and of the property to be sold, at least ten days previous to

*Duty of sheriff.*

the sale, by advertisement, to be posted up in three public places in the township, city or village where such sale is made, and the sale shall be by public auction.

*ibid.*

Sec. 4. If the property so distrained cannot be sold for want of bidders, or if the property of the company is insufficient to pay the tax, the sheriff shall forthwith return a statement of the same to the Auditor General; and if the company shall still neglect or refuse to pay such tax within thirty days, if the place of business of such company be in the Lower Peninsula, if in the Upper Peninsula, then within sixty days after such return, it shall be deemed a forfeiture of all its chartered privileges.

*Relative to corporation failing to make report.*

Sec. 5. In case any corporation fails to make the report contemplated in the first section of this act, it shall be the duty of the Auditor General, and he is hereby required, to ascertain the amount of the specific tax of any such corporation, as appears from their last report, and to issue his warrant as provided in the preceding sections, and for double the amount of such tax.

Approved January 29, 1853.

[ No. 23. ]

AN ACT to amend section twenty-four of chapter sixteen of the revised statutes of eighteen hundred and forty-six, entitled "of the powers and duties of townships, and election and the duties of township officers."

*Section 24, chap. 16, R. S. 1846 amended.*

SECTION 1. *The People of the State of Michigan enact*, That section twenty-four of chapter sixteen of the revised statutes of eighteen hundred and forty-six, entitled "of the powers and duties of townships, and election and duties of township officers," be amended so as to read as follows :

*Special township meetings to fill vacancies; how held.*

"Sec. 24. Special township meetings may be held for the purpose of choosing officers to fill any vacancy that may occur, if the township board shall deem it expedient, and make their order therefor; and in case the said township board become disorganized, or reduced below the number of a quorum, as provided by law, by or through the death or removal of the officers composing the same, or from any other cause, then such special township meeting may be called and



## LAWS OF MICHIGAN.

proceeded in, in all respects, as in the case of newly organized townships."

Approved, January 29, 1853.

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### [ No. 24. ]

AN ACT to organize the township of Drummond.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the State of Michigan included within the following boundaries, that is to say : beginning at the most southern bend in the boundary between this State and the British Province of Canada, immediately south of the Canadian Island of St. Joseph ; thence south eastwardly and southwardly through the broadest channel between islands to and through the west strait ; that is, the strait between the Upper Peninsula and Drummond Island ; thence south in Lake Huron to a point due east of the middle of the channel between the Isle Bois Blanc and the Light House Point at Cheboygan Harbor ; thence east to the boundary between this State and the British Province of Canada ; thence northwardly and westwardly along said boundary to the place of beginning, be and the same is hereby set off and organized as a separate township, by the name of Drummond, and the first township meeting shall be held at the house of Murray Seaman ; and the said township is hereby declared to be one of the townships of the county of Chippewa.

This act shall take effect immediately.

Approved January 29, 1853.

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### [ No. 25. ]

AN ACT relative to the bonds deposited by banks in the Treasury of this State.

SECTION 1. *The People of the State of Michigan enact*, That every person who shall take from the State Treasury, contrary to the provisions of law, or shall deface or destroy any of the bonds therein deposited by any of the banks of this State, shall be punished by imprisonment in the State Prison for a term not exceeding ten years.

Approved, January 29, 1853.

## LAWS OF MICHIGAN.

[ No. 26. ]

AN ACT to change the name of the township of Northampton, in the county of Saginaw, to Chessening.

SECTION 1. *The People of the State of Michigan enact, That the name of the township of Northampton, in the county of Saginaw, be and the same is hereby changed to Chessening.*

Approved January 29, 1853.

[ No. 27. ]

AN ACT to amend the sixth section of chapter eleven, title two of revised statutes of 1846.

SECTION 1. *The People of the State of Michigan enact, That section six of chapter eleven, title two of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows, viz :*

Senator in  
Congress,  
when to be  
elected.

“Sec. 5. Within ten days after a quorum of both houses of the Legislature shall be assembled at their session, immediately preceding the expiration of the time for which any Senator was elected to represent this State in Congress, an election shall be held for a Senator in Congress; which election may be continued from day to day until such Senator be elected.”

Sec. 26, act  
No. 176 of  
1851, repeal-  
ed.

Sec. 2. The eighty-sixth section of an act entitled “an act to provide for holding general and special elections,” approved June twenty-seven, eighteen hundred fifty-one, be and the same is hereby repealed.

Approved January 29, 1853.

[ No. 28. ]

AN ACT directing the Auditor General to credit the county of Monroe with certain delinquent taxes.

Duty of Au-  
ditor Gener-  
al relative to  
delinquent  
taxes.

SECTION 1. *The People of the State of Michigan enact, That the Auditor General is hereby directed to credit the county of Monroe, on the books of his office, with the amount of taxes returned to said office in the year eighteen hundred and forty-eight, by the treasurer of said county of Monroe, being delinquent taxes assessed in said county of Monroe, in the year eighteen hundred and forty-seven,*

LAWS OF MICHIGAN.

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under the provisions of an act to provide for the draining of swamps, marshes, and other low lands, approved March 17, 1847.

**Sec. 2.** Said delinquent taxes shall be credited as of the same date as the other delinquent taxes returned from said county in the year eighteen hundred and forty-eight, and shall avail the said county in the same manner as if credited at the same time; and the treasurer of the county of Monroe shall account to the Auditor General for all amounts received in said county on said taxes, so credited as aforesaid, as is required by law in relation to other delinquent taxes: *Provided*, That the provisions of this act shall not be construed to apply to taxes assessed in any other year, under the provisions of an act referred to in the first section of this act, or to any taxes assessed under the act referred to, not returned as delinquent to the office of the Auditor General, on or before the third day of April, A. D. eighteen hundred and forty-eight.

Treasurer  
of Monroe  
county to  
account to  
Aud. Gene-  
ral.

*Provided.*

Approved, January 29, 1853

[ No. 29. ]

**AN ACT** to authorize the District Judge of the Upper Peninsula to hold in trust and convey lands included in the town site of the village of Ontonagon, in the county of Ontonagon.

*Whereas*, The Congress of the United States, by an act approved May twenty-third, one thousand eight hundred and forty-four, provided as follows: "That whenever any portion of the surveyed public lands has been or shall be settled upon and occupied as a town site, and therefore not subject to entry under the existing pre-emption laws, it shall be lawful for the corporate authorities thereof, and if not incorporated, for the judges of the county court for the county in which such town may be situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sale thereof, to be conducted under such rules and regulations as may be prescribed by the Legislative authority of the State or Territory in which the same is situated: *Provided*, that the entry of the lands intended by this act

*Preamble.*

Proviso.

be made prior to the commencement of the public sale of the body of land in which it is included, and that the entry shall include only such land as is actually occupied by the town, and be made in conformity to the legal subdivisions of the public lands authorized by the act of twenty-fourth of April, one thousand eight hundred and twenty and shall not in the whole exceed three hundred and twenty acres. *And provided also*, That any act of said trustees not made in conformity to the rules and regulations herein alluded to, shall be void and of none effect." *And Whereas*, James K. Paul and others, have settled upon and occupied as a town site, certain lands known as the village of Ontonagon, in the county of Ontonagon, in the State of Michigan, the same being subject to entry as in said act provided. *And Whereas*, the county courts are abolished, and the jurisdiction heretofore possessed by them is vested in the district court, the judge of which is sole judge in the Upper Peninsula of the courts held in said county of Ontonagon, and the only person now authorized to make such entry, said town site being unincorporated : Therefore,

District judge of upper peninsula is authorized to enter certain lands in trust, for persons entitled thereto.

SECTION 1. *The People of the State of Michigan enact*, That Hon Daniel Goodwin, District Judge of the Upper Peninsula, and judge of the courts held in and for the county of Ontonagon, in the State of Michigan, be and he and his successors in office are hereby authorized and empowered to enter at the proper land office, in pursuance of the act in the foregoing preamble recited, and in conformity thereto, and under the rules and regulations hereinafter contained, in trust for the persons entitled thereto, all that portion of the following described lands, which are within the limits of the town site of the village of Ontonagon, in the county of Ontonagon, and to which the reservations made by authority of the United States have been or may be released, that is to say : Lots one, two, three, four, five, and six, of fractional section twenty-five, in fractional town fifty-two north of range forty west, in said county of Ontonagon.

Said lands, how disposed of.

Sec. 2. Such judge, on such entry being made, shall dispose of such lands as follows : He shall execute as trustee of the occupants of the town site of Ontonagon, deeds of conveyance of the lots in said town, included in the above described lands, to the several occupants of said town site, according to their several and respective interests ; and to each of them such portion thereof as he, she, or they

may be entitled to under the contracts by which such lots may be held : First, to James K. Paul, a deed of such lots as he holds or may hold, free from the claim of any other person, by virtue of an equitable pre-emption claim thereto ; and to all other occupants deeds to each severally, of the lots held by them by virtue of contracts made with said James K. Paul ; such deeds so to be made and delivered on the compliance of the person claiming with the conditions and terms of the contract under which he, she or they so claim, whether such contracts be written or verbal ; and all such deeds to be delivered only after such compliance and on the payment by or for the person to whom any such lot is to be conveyed, of his, her or their pro-rata amount of such sum as may be sufficient to defray all necessary expenses; the amount to be determined by such judge.

Sec. 3. Should any controversy or matter of difference arise between the respective parties claiming any of the lots aforesaid, such judge shall proceed summarily to determine the same upon such testimony, such notice to parties interested, and at such times and places as he may prescribe and direct ; and his decision thereon shall be conclusive and final, subject only to review, reversal, modification or affirmance by the supreme court, in such manner as said supreme court may determine, on an application duly made for that purpose, within six months after the decision of such judge thereon.

Duty of district judge relative to controversy between parties.

Sec. 4. The supreme court are hereby authorized, on application made as aforesaid, to review and decide upon such decision of such judge, and may direct a re-hearing of such controversy in such manner as the circumstances of the case may seem to require.

Supreme court may direct a re-hearing.

This act shall take effect immediately.

Approved January 29, 1853.

[ No. 30. ]

AN ACT to incorporate the city of Adrian.

SECTION 1. *The People of the State of Michigan enact*, That so much of the townships of Adrian and Madison, in the county of Lenawee, as is embraced in the following description, to wit : All that part of section number thirty-four, in the township of Adrian, lying east of the highway running north from the township line

Boundaries of the city of Adrian.

through said section, (excepting therefrom the north half of the north half of said section,) and the south half and south half of the north half of section thirty-five, and so much of the residue of said section as will include the bridge near the red mill, so called, and also the west half of section thirty-six, (excepting therefrom the north half of the north west quarter of said section,) in the township of Adrian, and also the west half of section number one, all of section number two, and so much of section number three, in the township of Madison, as lies east of the north and south road running through said section number three, is hereby set off from the townships of Adrian and Madison, and constituted the city of Adrian, by which name it shall be hereafter known.

Incorporation.

Sec. 2. The inhabitants of said city from time to time shall be and continue a body corporate and politic, to be known and distinguished by the name and title of "The council and freemen of the city of Adrian," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever, and may have a common seal, which they may alter and change at pleasure, and by the same name shall be, and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate for the use of said city.

Wards; their boundaries.

Sec. 3. The said city shall be divided into three wards, as follows, to wit: All that part of the city taken from the township of Madison shall be the first ward; the second ward shall include all that part of the city lying north of the township line between ranges six and seven, and east of main street; the third ward shall include all that part of the city lying north of said township line and west of main street.

Common council.

Sec. 4. The municipal government of the city shall consist of a common council, composed of a mayor, recorder, and six aldermen, of whom the mayor or recorder, and four aldermen, shall constitute a quorum.

Officers.

Sec. 5. The following officers shall be chosen in and for the said city, to wit: One mayor, one recorder, who shall be ex-officio school inspector; one treasurer; one marshal, who shall be ex officio colle-

tor of taxes; one street commissioner, two school inspectors, two directors of the poor, and four justices of the peace, who shall be elected in the following manner, to wit: the mayor, recorder, treasurer, marshal, and street commissioner, shall be elected annually, and shall hold their offices for one year, and until their successors have been elected and qualified. There shall also be elected annually, one school inspector, and one director of the poor, for the term of two years: *Provided*, That, at the first election, there shall be elected two school inspectors, and two directors of the poor: *And provided also*, That immediately after said first election, the common council shall meet and determine by lot which of the school inspectors, and which of the directors of the poor, so elected shall serve for one year, and which for two years. There shall also be elected annually one justice of the peace: *Provided*, That no justice of the peace shall be elected, unless there shall be a deficiency in the number of four, occasioned by the expiration of the term of office, or otherwise, of one or more of the justices heretofore elected in the townships of Adrian and Madison, and who shall be residents within the bounds of said city at the time this act shall take effect. Such justices shall be justices of the peace of said city, and hold their offices during the term for which they were elected, or unless a deficiency shall occur from some other cause: *And provided also*, That when the term of two of the said justices already elected expires at the same time, one of the same, to be selected by lot by said common council, shall hold over for one year, and a certificate of the result of such selection shall be filed in the office of the county clerk, immediately after the same is made.

Term of office.

Proviso.

Election of justices.

Sec. 6. There shall also be elected at the same time, in and for the several wards, one supervisor, who shall also be assessor; one treasurer, one constable, and one alderman; the said alderman to hold his office for two years: *Provided*, That, at the first election, two aldermen shall be elected; one for the term of one year, and one for the full term of two years.

Ward elections.

Sec. 7. The annual elections, under this act, shall be held on the first Monday of April, in each year, at such places in each of the several wards as the common council shall designate; notice of which shall be given by the recorder at least eight days before the election,

Annual elections, when held, &c.

by posting the same in three public places in such ward. The supervisor and alderman of each ward shall be the inspectors of such elections, and they shall also be inspectors of the state, district, and county elections. The supervisor, if present, shall act as chairman of said inspectors, and the alderman shall act as clerk of said elections; and in case of the absence of one or more of such inspectors, the electors present may choose viva voce from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, by either of said inspectors, or by any justice of the peace. The manner of conducting all elections, and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that of townships; the word "ward," instead of "township," being used in the oath to be administered to an elector in case his vote shall be challenged: *Provided, That at such charter elections, the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their ward, which certificates shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of said election, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices. And it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election; and each of said officers so elected and notified, shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: Provided, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number, and a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such office. The trea-*

Canvass.

Proviso.

Proviso.



suror and marshal shall, respectively, before entering upon the discharge of their duties, give such security to the common council as they shall direct; and in case any of the officers so elected shall neglect for the term of ten days to qualify as aforesaid, or to give such security, the office shall thereby become vacant.

Sec. 8. In case of a vacancy, in either of the city offices, the common council may order a special election in and for the whole city, at some proper place, for the purpose of electing some person to fill such vacancy; and such election shall be conducted and the votes canvassed by the council of said city, or any three of them. In case of a vacancy in any of the offices of a ward, the common council shall order a special election in such ward, to fill such vacancy; which election shall be conducted in all respects in the same manner as annual elections for ward officers. The common council shall designate the time and place for holding such special elections; notices of which shall be posted up in three or more public places in the city or ward, as the case may be, or published in one or more of the papers published in said city, at least five days prior to such election, which notice shall state what offices are to be filled; and any person so elected shall serve for the remainder of the term of such office.

Common council may order special election to fill vacancies.

Sec. 9. The president, recorder and trustees of the village of Adrian, shall have all the powers, and are hereby required to discharge all the duties, in relation to the first election to be held under this act, that are conferred upon the mayor, recorder and alderman of the city of Adrian; any two of whom may act as inspectors of election in either of the wards at such election; and in case no two of them shall appear at the time and place appointed for such election, one or more shall be chosen from the voters present, to act as such inspectors.

Powers of president, &c.

Sec. 10. It shall be the duty of the mayor to preside at all meetings of the common council, and in his absence the common council may appoint any one of their number, for the time being, to preside at such meeting; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.

Duty of mayor and recorder.

Sec. 11. The common council shall meet regularly on the first Monday of every month, for the purpose of attending to any business that may be properly brought before them, at such place, and also at

Time and place of meeting.

Fine for  
non-attend-  
ance.

such other times and places, as the mayor, and in his absence the recorder, shall appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof, at any such meeting; and also to require the attendance of any of the other officers of the city, and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Powers of  
common  
council.

Sec. 12. The common council shall have full power and authority to make all such bye-laws and ordinances relative to all nuisances within the limits of said city, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to suppress all games of chance or hazard; to suppress billiard tables, and all other gaming tables, kept for hire, gain or reward, and for the suppression of every species of gambling in said city, and for the suppression of disorderly and bad houses; to prevent the vending, sale or giving away of any spirituous liquors, by any person or in any place within said city, not authorized by law. The common council shall also have full power and authority, to make all bye-laws and ordinances for the suppression of riots, and riotous conduct; the discharge of fire arms, fire crackers, or the making of any improper noises that may tend to disturb the peace and good order of the city; for the apprehension and punishment of vagrants, drunkards, and idle persons, and to make all other such by-laws and ordinances, as they shall deem proper for the safety, good order, and government of said city, not inconsistent with the laws and constitution of this State or of the United States.

*Ibid.*

Sec. 13. The common council shall also have power to make by-laws and ordinances, relative to the weighing of hay, measuring of fire-wood and sale of the same, and for that purpose may appoint some proper person to measure all fire-wood brought into the city for the purpose of sale, in the streets or public grounds; and also relative to drays, carts, hacks and other vehicles kept for the transportation of persons and property in said city, prescribe the amount of charges for services, and to designate their stands, and also designate the stands for the sale of hay, wood, produce, and other things exposed for sale in the streets or public grounds, and also for the regulation of a city market; to prevent and punish all immoderate driving

in any of the streets of said city ; to prohibit any public bathing within said city ; to prevent the improper driving over the side walks or incumbering the said walks and streets, alleys or public grounds, and to regulate all grave yards and burials of the dead for said city ; relative to common showmen ; the restraining of swine, horses and other animals from running at large in the streets or other public places in said city, and to regulate and establish one or more pounds in said city.

Sec. 14. The common council shall have full power and authority <sup>Ibid.</sup> to levy and collect highway taxes, and to make by-laws and ordinances, relative to the time and manner of working upon the streets, lanes and alleys of said city ; and also relative to the time and manner of assessing, levying and collecting all highway and side walk taxes.

Sec. 15. The common council shall have power and authority <sup>Ibid.</sup> to construct sewers and reservoirs, and to provide for supplying such reservoirs with water ; to cause bridges to be built or repaired, streets to be paved or planked within the bounds of the city, whenever they shall deem the same necessary and proper ; they shall also have power to cause side walks to be constructed or repaired, when and where they shall deem necessary and proper, and cause the expenses thereof to be assessed on lots or premises adjoining such streets or side walks, or by general assessment, as they may direct ; to fix and establish the grades of all such streets and side walks, and also to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend.

Sec. 16. The common council shall have authority to lay out and establish, open, make and alter, such streets, lanes and alleys, side walks, highways, water courses, market places, public parks and bridges, within the limits of the said city, as they may deem necessary for the public convenience ; and if in doing so, they shall require for such purposes, the grounds of any person, they shall give notice thereof to the owner or parties interested, or his or their agent or representatives, by personal service, or by a notice published in some newspaper published in said city, at least three weeks previous to the meeting of the common council, for the purposes aforesaid ; and the said common council are hereby authorized to treat with such person

General powers and duties of common council in reference to streets, lanes, alleys, &c.

for such ground or premises ; and if for any cause a stipulation between parties shall not be perfected, it shall be lawful for the council to direct the recorder of said city to issue a venire facias, directed to the marshal of said city, or to any constable of said county, commanding him to summon a jury of six disinterested freeholders, to be taken from without the limits of the city, to appear before any justice of the peace of said city, at any time therein to be stated, to inquire into and assess the damages in the case; which jury being duly sworn by said justice, faithfully and impartially to enquire into and assess the damages in the case in question, and having viewed the premises, if necessary, shall enquire of and assess such damages as they shall judge fit to be awarded to the owner or owners, or parties interested in such grounds or premises, for their respective interests and estates therein ; and the said justice shall, upon the return of such assessment or verdict, enter judgment thereon, confirming the same, and such sum or sums so assessed, together with his or their costs, shall be paid, or legally tendered to the claimant thereof before such street, lane, alley, side walk, highway, market place, public park or bridge, shall be made, opened, established or altered but if such jury shall find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for costs, and issue execution therefor and in either case it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the purposes aforesaid : *Provided*, That any party claiming damages may have the right to remove such proceedings by appeal to the circuit court for said county, upon giving notice of his or their intention so to do, to such justice, in writing, within ten days after the verdict of such jury, and the judgment of such justice thereon aforesaid; and upon the filing of a transcript of the proceedings aforesaid in the circuit court, the same proceedings shall be had as prescribed by law in case of appeals : *Provided*, That if the final judgment for damages of said circuit court, shall not exceed the damages assessed before said justice, the party appealing shall pay all costs occasioned by such appeal. The said common council shall have full control of all streets, lanes, alleys, bridges, side walks and other public grounds within the said city, and the property belonging to said city ; and it shall be their duty, and they are hereby empowered to make all such by-laws and

*Proviso.*

*Proviso.*

ordinances, not inconsistent with the constitution and the laws of this State, or the United States, as shall by them be deemed necessary and proper for the best interest of the said city.

Sec. 17. The assessment in the several wards of the city shall be made at the same time, and the assessment rolls completed, and all other proceedings had thereon, in the same time and in the same manner as is required by law of township assessors: *Provided*, That for the purpose of assessing all property equally, in the whole city, the assessors shall act jointly in assessing each ward, and shall meet at the time required by the statute, at the office of the recorder of said city, for the purpose of reviewing and completing their assessments, and assessment rolls, for each of the several wards; and two of said assessors shall be authorized to perform all the duties required of the whole number.

Assessment rolls.

Provide.

Sec. 18. When such assessment rolls shall be completed, they shall be delivered to the said recorder, who shall immediately proceed to make therefrom a full and complete condensed copy from such assessment rolls, for the use of the common council, which shall be deemed the city assessment roll for that year. When such copy shall be completed, and within fifteen days after receiving the same, the said recorder shall deliver said rolls to the respective supervisors of each ward, to be used for state and county purposes.

Assessment rolls to be delivered to supervisors.

Sec. 19. The common council shall have power and authority to levy and collect a capitation or poll tax upon the legal voters of said city, and also taxes on all real and personal property within the limits of said city, by them deemed necessary to defray the expenses of the said city, and shall have power and authority to make and establish all necessary by-laws and ordinances for the collection of the same; and every assessment of tax, lawfully imposed or laid by the said common council on any lands, tenements, and hereditaments, or premises whatsoever in said city, shall be and remain a lien on such lands, tenements, and hereditaments, from the time of imposing such tax until paid; and the owner or occupant, or parties interested respectively in said real estate, shall be liable upon demand to pay every such tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said city to sell personal property, and for want thereof, to sell real estate, ren-

Authority of council to assess, levy and collect capitation tax; also taxes on real and personal property.

*Proviso.*

dering the overplus, if any, after deducting the charges of such sale, to such owner, occupant, or lessee: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper published in said city, once a week, for at least one month next preceding such sale; and the said marshal, or his successor in office, shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said land described in the said certificate, shall not, within two years from the date thereof, pay to the treasurer of said city, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of fifteen per cent per annum, from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the land so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to the claims the State shall have thereon; and the said conveyance shall be prima facie evidence that such tax was lawfully enforced, and that all the proceedings thereon, including such sale, were regular, according to the provisions of this act; and every such conveyance, executed by the marshal, under his hand and seal, and witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner and with the like effect as a deed regularly executed and acknowledged by the owner and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold according and in such manner as the common council may direct.

*Moneys raised by tax; how disposed of.*

Sec. 20. All moneys to be raised by tax in said city, shall be collected and paid over by the marshal to the treasurer of said city, at such time, and under such regulations, as shall be prescribed by the ordinance of the common council.

*Duty of council relative to taxes.*

Sec. 21. It shall be the duty of the common council, whenever they shall have completed their tax roll for any one year, to make out a duplicate, charging each individual or premises therein, an amount of tax in proportion to the amount of real and personal estate

in said city, to which they shall attach a warrant, signed by the mayor or recorder, directed to the marshal of said city, commanding said marshal to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll, opposite their respective names, and to pay over the same as they shall direct in said warrant; and the said warrant shall authorize the said marshal, in case any person named in the assessment or tax roll shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Distress and sale on neglect to pay.

**Sec. 22.** The common council shall have power and authority to make all by-laws and ordinances relative to the powers, duties, and liabilities of the recorder, treasurer, marshal, and street commissioner, and allow them respectively such compensation for their respective services as they shall deem just and reasonable; they shall also credit and allow to each assessor, one dollar per day for the time actually spent in taking the assessment and copying rolls, and also one dollar per day for each inspector of elections. The mayor shall receive the sum of five dollars per year, and no other compensation shall be allowed the mayor or aldermen for any services.

Compensation of certain officers.

**Sec. 23.** The common council shall, at the expiration of each year, settle and audit the accounts of the treasurer, and the accounts of all the officers and persons having claims against the city, or accounts with it, and cause all balances due to any person, to be paid out of any money in the treasury not otherwise appropriated, and shall make out in detail a statement of all receipts and expenditures; which statement shall fully specify all appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under such appropriations; the amount of taxes raised, and the amount of contingent expenses; the amount expended on highways, streets, and bridges, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city, and shall cause the same to be published in one or more newspapers published in said city.

Accounts of treasurer, &c., to be audited by council, annually.

Statement of receipts and expenditures, &c.

**Sec. 24.** The common council shall have power and authority to make all by-laws and ordinances that may be necessary to secure the said city and the inhabitants thereof against injuries by fire; to

By-laws and ordinances.

**Fire companies.**

establish and organize all such fire companies, and hose, and hook, and ladder companies, and provide them with the proper engines, and other instruments, as shall be necessary to extinguish fire, and preserve the property of the inhabitants of said city from destruction; to appoint from among the inhabitants of said city such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and each fire, hose, and hook and ladder companies shall have power to appoint their own officers, pass their own by-laws for their organization and government of said companies, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said city a certificate to that effect, which shall be evidence thereof; and the number [members] of such company, during their continuance as such, shall be exempt from serving on juries, or paying a poll tax in said city; and it shall be the duty of every such company to keep in good and perfect repair the fire engine in their charge, hose, ladder, and other instruments of such company; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements, with a view to their perfect repair; and the said firemen, so appointed, shall annually elect one of their number chief engineer, who shall have command of the whole fire department of said city; and also to elect from their number assistant engineers at the same time; to appoint a fire warden in each of the wards, whose powers, duties, and compensation, shall be prescribed by the said common council; and also to appoint a city watch of one or more persons not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the said city, and to prescribe their duties and compensations when in actual service, and to remove them at pleasure.

**By-laws of fire companies.**

**Exemptions.**

**Duty of firemen.**

**Chief engineer and assistants; to be elected annually.**

**City watch may be appointed.**

**Duty of mayor, aldermen, &c., in case of fire.**

Sec. 25. Upon the breaking out of any fire in said city, the mayor, aldermen, marshal and wardens, shall immediately repair to the place of such fire, and the said mayor, together with such of the aldermen as may be present with him, shall give such orders and directions to



engineer, marshal and fire wardens and other persons as he may deem necessary for extinguishing such fire and the preservation of property, not inconsistent with the duties of such officers; and all persons disobeying such orders shall be liable to fine as may be provided in any by-law or ordinance of the council of said city.

26. Any justice of the peace of said city is hereby authorized to inquire of, hear, try and determine, in a summary manner, all the offences which shall be committed within the said city, against any of the by-laws, ordinances and regulations that shall be made, ordained and established by the said council, in pursuance of the powers granted them in this act, and to punish the offender or offenders by fine or imprisonment in the common jail of the county of Lenawee may be used the same as is provided against the provisions of the statute: *Provided*, that all persons arrested on a charge of violating any of the by-laws or ordinances, shall have the right of a trial by jury, if they shall

Offences against by-laws, &c.; how tried and determined.

Penalty.

Provide.

27. The marshal of said city shall have power and authority; it shall be his duty, with or without process, to apprehend any person found disturbing the peace or offending against any of the ordinances and ordinances of the city, and forthwith take such person before any justice of the peace of said city, to be dealt with as the ordinances or the statutes shall provide, and may apprehend and imprison any person found drunk in the streets, until such person shall become sober, and shall be authorized to command the police, in the discharge of such duties, of any of the citizens, if necessary by him.

Powers and duty of marshal.

28. The president, recorder and trustees of the village of Adrian shall be the common council, and shall respectively discharge the duties of the mayor, recorder and alderman; and the treasurer, street commissioner and other officers of said village, shall continue to be officers of the city of Adrian, until others are elected and take the oaths in their stead; and all the by-laws, ordinances and other laws now in force, not inconsistent with this act, or the provisions of the statutes of this State, shall be and remain in force until

Common council.

City of  
Adrian lia-  
ble for all  
legal de-  
mands  
against the  
village of  
Adrian.

altered or repealed by the common council of the city or village; and no suit or other proceedings in which the common council or any officer of said village shall be a party, or any duties to be performed by such officer, shall be affected in any manner whatever by this act, except as herein specified; and all property belonging, and all demands due to the village of Adrian, shall be the property of the city of Adrian, and the said city shall be liable for all legal demands against said village of Adrian.

Township  
officers.

Sec. 29. All town officers of the townships of Adrian and Madison, residing within said city, may continue to discharge all the duties of such officers for their respective towns, until after the first Monday in April next. The next township meeting for the township of Adrian shall be held at the school house, in school district number four. It shall be the duty of the school inspectors of the townships of Adrian and Madison to pay over the school moneys by them received for the present year, in the same manner as if this act had not been passed. The treasurers of the several wards of said city shall pay the school money by them to be collected, to the city school inspectors, except as otherwise directed by law.

Township  
meetings,  
when held.

School mo-  
neys, how  
disposed of.

Ordinance,  
when to take  
effect.

Sec. 30. No ordinance passed by said common council shall take effect until after the same shall have been published in one or more newspapers of said city, or by posting in at least three public places in said city, as shall be directed in such ordinance.

City to be  
deemed a  
township  
for certain  
purposes.

Duties of  
treasurer  
and school  
inspectors.

Sec. 31. The city of Adrian, for all purposes in regard to common schools and school moneys, shall be deemed a township; and the recorder shall discharge all the duties, and be subject to all the liabilities of a township clerk. The city treasurer and school inspectors shall discharge the duties of such corresponding township officers, except the collection of taxes.

Mayor en-  
titled to cer-  
tain rights,  
&c.

Sec. 32. The mayor of said city shall represent the several wards in the board of supervisors, and shall be entitled to all the rights, privileges and powers of said board, and receive the same pay as other supervisors of townships, while acting in and upon such board; and for that purpose, the said ward supervisors shall furnish him with their assessment rolls, to be presented to said board of supervisors; such rolls, together with the accompanying certificates, after the action of said board thereon, shall be returned to the proper supervisor, who shall perform all the remaining duties of such supervisor.

LAWS OF MICHIGAN.

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under the provisions of an act to provide for the draining of swamps, marshes, and other low lands, approved March 17, 1847.

**Sec. 2.** Said delinquent taxes shall be credited as of the same date as the other delinquent taxes returned from said county in the year eighteen hundred and forty-eight, and shall avail the said county in the same manner as if credited at the same time; and the treasurer of the county of Monroe shall account to the Auditor General for all amounts received in said county on said taxes, so credited as aforesaid, as is required by law in relation to other delinquent taxes: *Provided*, That the provisions of this act shall not be construed to apply to taxes assessed in any other year, under the provisions of an act referred to in the first section of this act, or to any taxes assessed under the act referred to, not returned as delinquent to the office of the Auditor General, on or before the third day of April, A. D. eighteen hundred and forty-eight.

Treasurer  
of Monroe  
county to  
account to  
Aud. Gene-  
ral.

*Provided.*

Approved, January 29, 1853

[ No. 29. ]

**AN ACT** to authorize the District Judge of the Upper Peninsula to hold in trust and convey lands included in the town site of the village of Ontonagon, in the county of Ontonagon.

*Whereas*, The Congress of the United States, by an act approved May twenty-third, one thousand eight hundred and forty-four, provided as follows: "That whenever any portion of the surveyed public lands has been or shall be settled upon and occupied as a town site, and therefore not subject to entry under the existing pre-emption laws, it shall be lawful for the corporate authorities thereof, and if not incorporated, for the judges of the county court for the county in which such town may be situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sale thereof, to be conducted under such rules and regulations as may be prescribed by the Legislative authority of the State or Territory in which the same is situated: *Provided*, that the entry of the lands intended by this act

*Preamble.*

[ No. 32. ]

AN ACT to extend the time for the collection of Taxes in Township of Niles, in the County of Berrien.

**Time extended.** SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes in the township of Niles, in the county of Berrien, for the year eighteen hundred and fifty-two, is hereby extended to the first Monday of March next.*

**Duty of treasurer.** Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the lifetime of his warrant, and make his return at any time on or before the first Monday of March next: and the said warrant is hereby continued in full force and virtue for the purposes mentioned, until the said first Monday in March next.

**Ibid.** Sec. 3. It shall be the duty of the said treasurer, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of the county of Berrien.

**Transcript of unpaid taxes, how returned.** Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and fifty-two, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved February 1, 1853.

[ No. 33. ]

AN ACT to organize certain townships in the county of Ontonagon, in the Upper Peninsula.

**Town of Rockland organized.** Sec. 1. *The People of the State of Michigan enact, All that part of the county of Ontonagon known and designated as towns fifty north, in ranges thirty-eight and thirty-nine west, be and the same is hereby set off and organized into a separate township, by the name of Rockland, and the first township meeting shall be held at the house of Daniel Cavinna in said township, on the fourth day of July next.*

**First township meeting, where held.**

Sec. 2. All that part of the said county of Ontonagon known and designated as town fifty north and range thirty-eight west, be and the same is hereby set off and organized into a separate township, by the name of Greenland, and the first township meeting shall be held at the office of the Farm Mining Company, in said township, on the fourth day of July next.

Township of Greenland organized.

First township meeting, where held.

Approved February 3, 1853.

[ No. 34. ]

AN ACT to complete the organization of the county of Grand Traverse.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the county of Omeena which remained after the organization of the county of Grand Traverse, is hereby annexed to the county of Grand Traverse, and shall forever be and remain a part and parcel of said county.

Omeena annexed to Grand Traverse.

Sec. 2. There shall be elected in the county of Grand Traverse, on the first Tuesday of May next, all the several officers to which by law the county is entitled, and said election shall, in all respects, be conducted and held in the manner prescribed by law for holding elections for county and State officers. The canvass of said election shall be held at the county seat of said county, the Monday next following the election, and the officers so elected shall be qualified and enter upon the duties of their offices immediately, and shall continue in office until their terms of office would have expired, had they been elected at the last general election; but this section shall not be construed as to deprive any officer duly elected, and qualified to be in office, or to authorize the election of any one to fill his place.

Election of Co. officers.

Canvass.

Terms of office.

Sec. 3. All that part of the Peninsula, in Grand Traverse Bay, which lies north of the line between towns twenty-seven and twenty-eight north, shall be organized into a separate township, by the name of Peninsula, and the first township meeting shall be held at the Old Mission.

Township of Peninsula organized.

Sec. 4. All that part of the county of Grand Traverse, not included in the township of Peninsula, shall be erected into a separate township, by the name of Traverse, and the first township meeting shall be held at the county seat.

Traverse.

Certain  
counties at-  
tached to  
Grand Tra-  
verse for  
judicial and  
municipal  
purposes.

Sec. 5. The counties of Antrim, Kalamazoo, Missaukee, Wexford, Manistee and Leelanaw, are hereby attached to Grand Traverse for judicial and municipal purposes.

Name of  
township  
changed.

Sec. 6. The county of Antrim, shall be and remain the township of Omeena, and the name of the said township is hereby changed to Antrim, and the next township meeting therein shall be held at the house of Abraham S. Wadsworth.

Township of  
Leelanaw.

Sec. 7. The county of Leelanaw is hereby erected into a township by the name of Leelanaw, and the first township meeting therein shall be held at the house of Peter Dougherty.

Sec. 8. The counties of Kalamazoo and Missaukee, are hereby attached to Antrim for township purposes, and the county of Wexford to Traverse, for township purposes.

Sec. 9. This act shall take effect immediately.

Approved February 3, 1853.

[ No. 35. ]

AN ACT to attach the counties of Midland, Aronac, Gladwin, Isabella and Iosco, to the county of Saginaw, and for other purposes.

Counties  
attached to  
Saginaw for  
certain pur-  
poses.

SECTION 1. *The People of the State of Michigan enact, That the* counties of Midland, Aronac, Gladwin, Isabella and Iosco, *be and the same* are hereby attached to the county of Saginaw, for judicial and representative purposes.

Counties at-  
tached to  
townships  
for certain  
purposes.

Sec. 2. That the counties of Gladwin, Aronac, and Isabella, be and the same are hereby attached to the township of Midland for the purposes aforesaid, and for the purpose of taxation, until set off and organized into other townships; and that the county of Iosco be and the same is hereby attached to the township of Hampton, in the county of Saginaw, for like purposes.

Canvass,  
when held,  
&c.

Sec. 3. That the votes given in the representative district composed of said counties of Midland, Aronac, and Gladwin, for the office of representative in the State Legislature, shall be canvassed at the place of holding township meetings in said township of Midland; and such votes shall be canvassed by the board of inspectors for said township of Midland, in the same manner that votes for township officers are required by law to be canvassed, except as hereinafter otherwise provided.

Sec. 4. That a statement of all votes given for said office of representative, and the number given for each candidate, shall be written out in words at full length; which statement shall be certified as correct, and attested by the supervisor or other chairman of the board, and by the clerk or one of the clerks thereof, and such statement shall be recorded in the office of the township clerk of said township, in a suitable book to be provided by him for that purpose, at the expense of said township, and to be kept in his office; and a copy of such statement, verified and attached as aforesaid, shall be delivered by such township clerk to the county clerk of said county of Saginaw within one week after the time of holding such election, to be by such county clerk filed and recorded in his office.

Statement of  
votes, how  
certified,  
&c.

Sec. 5. Whenever other townships shall be set off and organized in the territory embraced in said township of Midland, or attached thereto by this act, the votes given in said representative district for the office of representative, shall be canvassed at the county seat of Saginaw county, at the time of canvassing the votes given in the county of Saginaw for said office, in the same manner as the votes for said office are required to be canvassed in counties containing more than one representative district.

Votes given  
for repre-  
sentative in  
certain  
towns,  
where can-  
vassed.

Sec. 6. The board of supervisors of Saginaw county shall have the same power to organize new townships in the territory embraced by this act in the township of Midland, as in the territory comprising Saginaw county proper.

Power of  
board of su-  
pervisors.

Sec. 7. So much of an act entitled an act to organize the county of Cheboygan, approved January, eighteen hundred and fifty-three, as relates to the county of Iosco, be and the same is hereby repealed.

Repeal.

Sec. 8. The votes given in said county of Iosco for the office of representative, shall be returned by the township or townships of said county of Iosco to the county seat of Cheboygan, and counted with the votes of that representative district.

Votes given  
in Iosco,  
where re-  
turned.

Sec. 9. This act shall take effect immediately.

Approved February 3, 1853.

[ No. 36. ]

AN ACT to amend an act entitled an act "appropriating certain internal improvement lands for the improvement of the road from Mason, in the county of Ingham, to Dexter, in the county of Washtenaw," approved April 3d, 1848.

Act No. 290  
of 1848,  
amended.

SECTION 1. *The People of the State of Michigan enact, That the* above named act be amended, so that the same will read as follows:

Unexpended  
balance of  
internal  
improvement  
lands, how  
to be disposed  
of.

"Sec. 2. The directors of the Dexter and Mason Plank Road Company, are hereby authorized to expend the unexpended balance of the three thousand acres of land contemplated in the above named act on that portion of the road between Mason and Dexter aforesaid as in their judgment most requires improvement. The directors of

Special commissioners.

said plank road company shall be, and are hereby appointed special commissioners."

Their powers  
and duties.

"Sec. 3. The said special commissioners shall, by virtue of their appointment, have the control and management of the improvement contemplated in this act, and shall have power to appoint one of their own number, who shall superintend the same in person; or said commissioners may have power to let out by contract any job or jobs that may be necessary for the improvement of said road (the amount of which jobs and improvement shall in no case exceed the amount of unexpended balance of this appropriation) to the lowest bidder or bidders, who shall execute and deliver to the said commissioners a good and sufficient bond, with sureties, to be approved by them, and conditioned for the due and faithful performance of the work stipulated in the contract. *Provided*, that before letting, the said commissioners shall advertise for proposals for said job or jobs, describing the same, such advertisement to be published three successive weeks in one newspaper published in the county of Ingham, and one in the county of Washtenaw."

proviso.

Commissioners to  
comply with  
sections 1, 4  
and 5, of act  
No. 290 of  
1848.

"Sec. 4. The first, fourth and fifth sections of the above named act, shall have the same binding force on the commissioners hereby appointed, and they shall in all cases be required to comply with the provisions of the said sections, except that they shall not receive any remuneration for letting or superintending the work or jobs on said road. *Provided*, that no portions of the lands thus appropriated shall be used in the construction of said plank road, or in the purchase of



materials therefor ; nor shall any portion of said lands, nor the avails thereof, be appropriated to the improvement of that portion of the road from Mason to Dexter, on which said plank road is likely to be constructed, within at least two years from and after the passage of this act."

Sec. 5. All acts or parts of acts contravening the provisions of this act, shall and the same are hereby repealed.

Sec. 6. This act shall take effect immediately.

Approved February 4, 1853.

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[ No. 37. ]

AN ACT to restore to the township of Rives, in the county of Jackson, all that portion of said township detached by act number thirty-nine of the session laws of eighteen hundred and forty-nine, and attached to the township of Henrietta, in said county.

Sec. 1. *The People of the State of Michigan enact*, That all that part of the township of Henrietta, in the county of Jackson, which is west of the meridian line, be and the same is hereby set off from the said town of Henrietta, and annexed to and made a part of the township of Rives. Part of Henrietta attached to the township of Rives.

Sec. 2. That portion of the township of Henrietta, hereby attached to and made a part of the township of Rives, shall be entitled to and be liable for all moneys that the township of Henrietta may receive or pay on account of said portion of said township.

Sec. 3. That act number thirty-nine, of the session laws of eighteen hundred and forty-nine, entitled an act to attach a part of the township of Rives, in the county of Jackson, to the township of Henrietta, be and the same is hereby repealed. Act No. 39 of 1849 repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 4, 1853.

[ No. 38. ]

AN ACT to provide for the construction of a Ship Canal around the Falls of St. Mary.

Act of Congress approved August 26, 1852, accepted.

SECTION 1. *The People of the State of Michigan enact, That the act of Congress entitled "an act granting to the State of Michigan the right of way, and a donation of public land, for the construction of a Ship Canal around the Falls of St. Mary, in said State," approved August 26, 1852, is hereby accepted, and all conditions expressed in said act are hereby agreed to, and made obligatory upon the State of Michigan.*

Governor authorized to appoint five commissioners and an engineer.

Sec. 2. For the purpose of carrying out the objects of said act, the Governor is hereby authorized, by and with the advice and consent of the Senate, to appoint five commissioners and an engineer, who shall prepare a plan for the construction of said canal, in conformity with the provisions of said act of Congress, and this act, to be approved by the Governor, and who shall have the entire and absolute control and supervision of the construction of said canal; and said commissioners are authorized and empowered to make all necessary contracts for the construction of the same; and during said construction, if at any time said commissioners shall be dissatisfied with the manner of construction or the materials used, it shall be competent for them or a majority of them to direct the contractor to construct the same in such other manner, and to use such other materials, as to such commissioners or a majority of them, or engineer, shall seem necessary to insure a permanent and durable work; and this condition shall be embodied in any contract made for construction of said canal.

Commissioners authorized to make contracts, &c.

Condition to be embodied in contract.

In case of controversy between parties, how decided.

In case any controversy shall arise between the commissioners and contractor or contractors, in regard to said materials, or the manner of doing said work, during the construction of said canal, the same shall be decided by a board, to consist of said engineer and the Governor of this State, and the district judge of the Upper Peninsula, who shall decide thereon in a summary manner, and the decision of a majority of them shall be binding and conclusive upon the contractors, who shall thereupon proceed with the work, in the manner and make use therein of the material so required by said board or a majority of them: *Provided, however, That the work upon said canal shall not be suspended or delayed by reason of said controversy,*

Proviso.

1 the contractors shall proceed therewith as required by said commissioners. The locks in said canal shall not be less than three hundred and fifty feet long, and not less than seventy feet wide: *Provided*, That all appointments made by virtue of this act, shall cease and determine when said canal is completed.

Sec. 3. The said commissioners shall receive proposals for the construction of said canal, agreeably to said plan; and in deciding on said proposals, are required to take into consideration the responsibility of the person or persons offering to contract for the same, and his or their ability to carry into effect the object and intention of said act of Congress, by constructing said canal in the best and most expeditious manner; and said commissioners, in making said contract, shall require good and ample security for the performance thereof. Neither the commissioners, or Governor, or the engineer, or any member of this legislature, or any person related to the commissioners or engineer, shall in any manner be interested in the contract, directly or indirectly, for the construction of said canal.

*Proposals for construction, and decision of commissioners thereon.*

*Persons who shall not be interested in contracts.*

Sec. 4. No contract for the construction of said canal shall take effect until it shall have been approved by the Governor and engineer.

*No contract to take effect until approved, &c.*

Sec. 5. The contractor or contractors for the construction of said canal shall defray the entire cost of surveying, locating, and conducting the same; the necessary traveling and other expenses of the commissioners; the salary of the engineer and assistants. The necessary expenses of the commissioners shall be paid out of the State Treasury, upon the warrant of the Auditor General. The engineer shall have power, with the approval of said commissioners, to employ such assistants as may be necessary and proper. The assistants shall receive such reasonable compensation for their services as may be agreed upon by said commissioners, and the engineer and assistants shall be paid out of the State Treasury, from time to time, upon account of each respectively being certified to be correct by said commissioners, and upon the warrant of the Auditor General. The cost of locating the said canal, and all expenses of every kind, incidental to the supervision of the construction and completion of said canal, shall be reimbursed by the contractors as fast as ascertained, and shall be paid by them into the State Treasury, and under the

*Contractors to defray expenses, &c.*

*Expenses of commissioners, how paid.*

*Engineer to appoint assistants.*

*Compensation of assistants.*

*Contractors to reimburse, &c.*

direction of said commissioners. When, and as fast as the lands shall have been selected and located, an accurate description thereof, certified by the persons appointed to select the same, shall be filed in the office of the Commissioner of the State Land Office, whose duty it shall be to transmit to the Commissioner of the General Land Office a true copy of said list, and to designate and mark upon the books and plats in his office the said lands, as St. Mary canal lands.

Description of lands, how certified, and duties of commissioner of State land office.

Completion of canal.

Sec. 6. The commissioners shall require said canal to be constructed and completed within two years from making the contract; and on the completion of the same, within said period, to their satisfaction and acceptance, and the satisfaction of the Governor and engineer, they shall cause a certificate thereof to be signed by the commissioners, Governor, and engineer, and filed in the office of the Commissioner of the State Land Office. Thereupon it shall be the duty of the said Commissioner of the State Land Office, forthwith to make certificates of purchase for so much of said lands as by the terms of the contract for the construction of said canal are to be conveyed for the purpose of defraying its costs, and the expenses hereinbefore provided; which certificates shall run to such persons, and for such portions of said lands so selected and to be conveyed, as the contractor may designate, and shall forthwith be delivered to the Secretary of State, and patents shall immediately be issued thereon, as in other cases.

Duties of commissioner of State land office.

Commissioners to keep accurate acc'ts, &c.

Sec. 7. That said commissioners shall keep an accurate account of the sales and net proceeds of the lands granted by said act of Congress, and of all expenditures in the construction of said canal, and the earnings thereof, and on or before the first Monday in October in each year, return a statement thereof to the Governor, whose duty it shall be to return the same, or a copy thereof, to the Secretary of the Interior, at Washington, as required by said act of Congress.

Commissioners subject to removal; and vacancies how filled.

Sec. 8. The said commissioners shall be subject to removal for cause by the Governor; and if a vacancy shall occur by removal or otherwise, when the Legislature is not in session, the Governor may fill such vacancy, and the person so appointed shall hold his office until the Legislature meet.

Governor authorized to appoint agents for selection of lands, &c.

Sec. 9. For the selection of the lands granted by Congress, as aforesaid, for the construction of said canal, the Governor shall appoint agents, in pursuance of said act. He shall give notice to the

person or persons contracting under this act to construct said canal, to recommend to him suitable persons to make such selections ; and he shall appoint such agents from the persons so recommended, if, in his judgment, suitable and proper persons for that purpose.

Sec. 10. That such contractor is by this act empowered and authorized to associate with himself in the obligations, agreements and conditions of said contract, such persons or parties as he may elect, and assign to them such proportional interest in the remunerations of lands, or the avails thereof, as he may decide and agree upon ; or he may assign his rights, privileges and remunerations under the contract with the State, to any association organized according to the laws of this or any other State ; and upon due notice to the board of commissioners and Governor, they shall be made parties to the obligations and emoluments of the contract, and be authorized upon such assignment and notice, to hold and sell lands, and improve and use the same as they may see fit and desirable, to the same extent that the contractor might individually have done ; but in no case shall himself or his sureties be eased or exempted from their full liabilities to forfeitures for non-fulfillment of the contract as before specified in failure or inadequacy of additional security offered by assignees :

*Contractor authorized to associate with himself other persons, and their rights, &c.*

*Such contractor not exempted from full liabilities, &c.*

*Provided,* It shall not be lawful for said company to use their funds or any part thereof, in any banking or brokerage, or in buying or selling bank notes or bills of exchange, or in any other business whatever, except that especially provided for by this act, and the acts referred to herein.

*Provided.*

Sec. 11. The said commissioners, in entering into the contract for the construction of said canal, shall provide that the rail road at present existing across the Portage, be in no way unnecessarily interrupted during the progress of the work ; and said commissioners shall have power to decide the necessity of any interruption ; and the said commissioners may, at the expense of the said rail road company, re-locate said rail road, if they shall deem it necessary to aid and promote the construction of said canal.

*Provision for railroad across the Portage.*

This act shall take effect immediately.

Approved February 5, 1853.

## LAWS OF MICHIGAN.

[ No. 39. ]

AN ACT for the relief of James Waters.

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office is hereby directed to execute and make a certificate of sale to James Waters for the south west quarter of north east quarter of section sixteen, township six north of range twelve west, if the said Waters shall, prior to the first day of May next, pay to the State Treasurer all interest which shall have accrued on said land at the time said Waters may apply for said certificate.

Sec. 2. This act shall take effect immediately.

Approved February 5, 1853.

[ No. 40. ]

AN ACT ceding jurisdiction to the United States over lot number one, section thirty-four (34) in township number twenty-two (22) north of range eight (8) east; also, over two tracts of land on Lake St. Clair.

Cert'n tract  
of land ce-  
ded to the  
U. S. for a  
light house.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That jurisdiction is hereby ceded to the United States over a certain tract of land known and described as lot number one (1) of section thirty-four (34) in township number twenty-two (22) north of range eight (8) east, in the State of Michigan, for the purpose of a light house: *Provided always*, and the assent aforesaid is granted upon the express condition, that this State shall retain a concurrent jurisdiction with the United States, in and over the tract of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this State, against any person or persons charged with crimes committed without or within the bounds of said tract of land, may be arrested therein, in the same way and manner as though this assent had not been granted.

Location.

Sec. 2. Jurisdiction is hereby ceded to the United States over such tracts of land as shall hereafter be selected by the authority of the United States for light house purposes at the following points, to wit: At or near the mouth of Clinton River, in the county of Macomb; also, on Lake St. Clair at the St. Clair Flats: *Provided*, such tracts

of land shall in no case exceed fifty acres to any one tract, and that the jurisdiction hereby ceded shall not take effect nor enure to the benefit of the United States over and upon either of said tracts of land, until the proper authorities of the United States shall have selected the same and established the bounds thereof, and filed a map of the same, with a certificate of the selection of the same, and the boundaries thereof, in the office of the Secretary of State of this State, nor until an appropriation of money for the erection of a light house thereon shall have been made. *And provided further*, that the jurisdiction aforesaid is granted upon the express condition and with the reservation, that the State shall retain a concurrent jurisdiction with the United States in and over the several tracts of land aforesaid, so far as that all civil and such criminal process as may issue under the authority of this State against any person or persons charged with crimes committed within or without the bounds of said tracts of land, may be executed therein in the same way and manner as though this act had not been passed.

Map & certificate to be filed with Secretary of State.

Proviso.

Approved February 5, 1853.



[ No. 41. ]

AN ACT to authorize the formation of Corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes.

SECTION 1. *The People of the State of Michigan enact*, All corporations organized and established under the provisions of this act, shall be capable of suing and being sued, in any court in this State, and may have a common seal, and alter and amend the same at pleasure; may elect, in such a manner as they shall determine, all necessary officers; may fix their compensation and determine their duties, and make, from time to time, such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the stockholders shall direct.

General provisions relative to suits.

Seal.

Election of officers, and their compensation.

Sec. 2. Any number of persons, not less than three, who shall, by articles of agreement, in writing, associate according to the provisions of this act, under any name assumed by them for the purpose of engaging in and carrying on any kind of mining or manu-

Incorporation.

facturing business, and who shall comply with the provisions of this act, shall, with their successors and assigns, constitute a body politic or corporate, in fact and name, under any name assumed by them in their articles of association, provided no two companies shall assume the same name.

Articles of association to be filed with Secretary of State and county clerk, &c.

Sec. 3. Before any corporation formed under this act shall commence business, the president and directors shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county or counties in which such corporation shall conduct its mining or manufacturing business; which said articles shall be recorded in said office at length, in books prepared for that purpose at the expense of said corporation.

Articles of association to be signed, &c., and acknowledged.

Sec. 4. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state:

1. Distinctly and definitely the purpose for which the same is formed:

2. The amount of their capital stock, and the number of shares:

3. The amount of capital stock actually paid in:

Statement of matter to be contained in such articles of association.

4. The name of the stockholders, their respective residences, and the number of shares held by each person:

5. The place in this State where their office for the transaction of business is located, and the county or counties in which their business is to be carried on:

6. The term of its existence, not to exceed thirty years.

Report, and statement to be contained therein.

Sec. 5. Every such corporation shall annually, in the month of July, make a report, signed by a majority of the board of directors, containing:

1. The amount of capital actually paid in:

2. The amount invested in real estate:

3. The amount of personal estate:

4. The amount of their debts and credits, as near as may be:

5. The name of each stockholder, and the number of shares held by him, at the date of such report; and every such report shall be verified on oath, by the officers signing the same; and if any person shall, as to any material facts, knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly.



Sec. 6. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall, in no case, be less than ten thousand dollars, nor more than five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each. The capital stock may be increased, and the number of shares, at any meeting of the stockholders called for that purpose: *Provided*, That the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars.

Amount of stock limited.

Shares.

Sec. 7. The purposes for which every such corporation shall be established, shall be distinctly and definitely specified in the articles of association; and it shall not be lawful for said corporation to appropriate its funds to any other purpose.

Purposes of corporation to be specified.

Sec. 8. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation at such time and place as they may appoint, by giving notice thereof, by publishing the same in some newspaper, at least fifteen days before the time appointed for such meeting.

Call of first meeting.

Sec. 9. The stock, property, and affairs of such corporation, shall be managed by not less than three, nor more than nine directors, as the articles shall determine; one of whom shall be a resident of this State. They shall hold their offices one year, and until their successors shall be duly chosen.

Number of directors limited.

Term of office.

Sec. 10. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until a majority of the stockholders choose others in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board, by death, resignation, or otherwise, for the current year.

Directors to choose one of their number president, and for other officers.

Vacancies, how filled.

Sec. 11. The directors may call in the subscription to the capital stock of such corporation by installments, in such portion, and at such times and places as they shall think proper, by giving notice thereof as the by-law shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment, for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholders may

General provisions relative to subscriptions to capital stock.

**Stock of the corporation how sold.** be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days notice in some newspaper published in the county: *Provided*, That if said stockholder

**Provide.**

shall reside in this State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days notice thereof in some newspaper published in the county: if no newspaper be published in said county, in which such corporation transact their business, then it shall be published in some newspaper in the city of Detroit; and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

**Quorum.**

Sec. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business: and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders each share shall be entitled to one vote. Stockholders may appear and vote in person, or by proxy, duly filed.

**Provision in case of failure to open annual election.**

Sec. 13. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving thirty days notice of the time and place of such election, in the manner provided in the eleventh section.

**Books of account to be opened for inspection, &c.**

Sec. 14. The books of every such corporation containing the accounts shall at all reasonable times be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of such corporation shall be made by order of the directors and laid before the stockholders.

**Real and personal estate.**

Sec. 15. Every such corporation shall by their name have power to acquire and hold all such real and personal estate as shall be necessary for the purposes of carrying on the business of such corporation: *Provided*, that their real estate shall not exceed three thousand acres.

**Stock to be deemed personal property.**

Sec. 16. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such company in such form as the directors shall prescribe; and such cor-

poration shall at all times have a lien upon the stock or property of its members, invested therein, for all the debts due from them to such corporation, which may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale shall be entitled to the rights of stockholders.

Sec. 17. The stockholders of all corporations founded upon this act, shall be individually liable for all labor performed for such corporation or associations, which said liability may be enforced against any stockholders founded on this statute at any time after an execution shall be returned not satisfied against said company, *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Sec. 18. Every such corporation formed for mining purposes, shall annually in the month of July in each year, make a report, which shall state the amount of copper, iron or other mineral which such company may have mined within the year past, which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the secretary or other officer making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is carried on, and a duplicate thereof in the office of the Auditor General.

Sec. 19. Every corporation formed under the provisions of this act, for the purposes of carrying on manufacturing business, shall annually in the month of July, in each year, make a report, which shall state the amount of capital actually paid in, and the amount borrowed by such company and remaining unpaid in whole or in part; which report shall be signed by a majority of the directors, and verified by the oath of the secretary, or other officers making the same, and be filed in the office of the clerk of the county in which the business of any such corporation is carried on, and a duplicate thereof in the office of the Auditor General.

Lien upon stock, &c., of members.

Liabilities of stockholders.

How enforced.

Proviso.

Annual reports of mining companies.

Where filed.

Annual reports of manufacturing companies.

Where filed.

Specific taxes on mining companies.

Sec. 20. All corporations formed under the provisions of this act for the purpose of mining, shall pay into the State treasury specific taxes, as follows, that is to say: every such corporation engaged in copper mining, shall pay a tax of one dollar for each ton of copper or mineral obtained; every such corporation engaged in iron mining, shall pay a tax of ten cents for each ton of iron obtained, and every such corporation engaged in coal mining, shall pay a tax of one-half cent for each ton of coal obtained by such corporation in such mining business; which taxes shall be paid annually, in the month of July, at the office of the State Treasurer, or such place in the city of Detroit as he may designate; and the same shall be in lieu of all State taxes to be paid by such corporations respectively: *Provided*, Nothing herein shall exempt from State taxation, any property of said corporation not invested in the said mining or manufacturing business, contemplated in this act.

When and where paid.

Proviso.

Specific taxes of manufacturing companies.

Sec. 21. All corporations formed under the provisions of this act for manufacturing purposes, shall pay to the State a specific tax of one-half of one per cent on the amount of their capital stock paid in, and also money borrowed, which for this purpose shall be considered as capital stock of such corporations. The said tax shall be paid on the first day of September, at the office of the State Treasurer, or such place in the city of Detroit as he may designate, and the same shall be in lieu of all State taxes to be paid by such corporations respectively.

When and where paid.

Service of process, how made.

Sec. 22. Service of any legal process against any corporation formed under this act, may be made on the president, secretary or agent, or if neither of them can be found in the county in which by their articles of associations they are to do their business, then such service may be made by posting a true copy thereof on some conspicuous place at the business office of the company in said county.

Liability in case of neglect; how punished, &c.

Sec. 23. If the directors of any such company shall intentionally neglect or refuse to comply with the provisions and to perform the duties required of them by sections three, five, eighteen and nineteen of this act, they shall be jointly and severally liable in an action founded on this statute for all the debts of such corporation contracted during the period of such neglect or refusal; and such of them as were present and acting as such directors at any time during such

# LAWS OF MICHIGAN.

Proceedings  
necessary  
to procure  
new certifi-  
cates.

Sec. 2. The persons desirous of procuring such new cer shall in every case furnish the said Commissioner, as the basi action, with the certificate of the supervisor of the township i the lands are situated, verified by his oath, that he is acquaint the true condition, quality, quantity and location of said lan the proposed division of the same, and that in his opinion a vision could be made without injury to the normal school fu the said Commissioner may require, any other evidence wi may deem necessary in the premises.

Approved February 7, 1853.

[ No. 43. ]

AN ACT to provide for taking the census and statistics of thi

Duty of su-  
pervisors &  
assessors.

SECTION 1. *The People of the State of Michigan enact,* shall be the duty of the supervisor of each township and was assessor of each assessment district, at the the time of taking the taxable property, or between the first Monday of April an Monday of May, in the the year one thousand eight hundr fifty-four, and every ten years thereafter, to go to every dv house in their respective township, ward or assessment distri by personally inquiring of the head of every family, or some tent person, to ascertain and take an enumeration of all the tants therein, (except uncivilized Indians belonging to some tri the following order, to wit: The names of all males of the twenty-one years and under forty-five, (designating the marrie the unmarried;) the names of those of forty-five and under a five; the names of those of seventy-five and under ninety; the of those of ninety and under one hundred; and the names o over one hundred; the number of females of the age of ei years and under forty, (designating the married from the unma the number of the age of forty and under seventy-five; the n of the age of seventy-five and over; the number of children the age of five years; the number of the age of five and und (designating the males from the females;) the number of male age of ten and under twenty-one; and the number of females

pe of ten and under eighteen; the number of colored persons; the number of blind; the number of deaf and dumb; and the number of sane persons and idiots; the number of marriages; and the number of deaths the preceding year, as near as can be ascertained; and the occupation or profession of all males over twenty-one years of age.

Sec. 2. And it shall also be the duty of the supervisor and assessors of each city and township, at the time mentioned in the preceding section for taking the census of his township or ward, to ascertain and set down in a table prepared for that purpose, the whole number of acres of taxable land; the whole number of acres of land owned by individuals or companies; the number of acres improved; the number of acres sowed with wheat then on the ground; the number of acres and the number of bushels of corn harvested the preceding year; the number of acres harvested and the number of bushels of wheat raised the preceding year; the number of bushels of all other kinds of grain; the number of bushels of potatoes; and the number of tons of hay the preceding year; the number of sheep, and the number of pounds of wool sheared the preceding year, and the number of sheep; the number of swine over six months old; and the number of pounds of pork marketed; the number of neat cattle (other than oxen and cows) one year old and over; the number of horses one year old and over; the number of mules; the number of work oxen, and the number of milch cows; the number of pounds of butter and cheese made the preceding year; the number of pounds of sugar manufactured the present year; the number of pounds of peppermint oil manufactured the preceding year; the number of flouring mills, the number of runs of stone in each; the number of barrels of flour made by each the preceding year; and the number of oil mills, and the number of gallons of oil made the preceding year; the number of breweries, the number of barrels of beer made the preceding year; the number of distilleries, the number of gallons of liquor made the preceding year; the number of gallons of wine made the preceding year; the number of barrels of cider made the preceding year; and the number of barrels of fish caught the preceding year, and the amount of capital invested; the number of saw mills, the number of feet of lumber sawed by each the preceding year, and the amount of capital invested; the number and kind of manufactories; the number of

persons employed; the amount of capital invested; and the value of the products for the past year; designating the number of said mills and factories operated by steam, and the number by water power; the number of mines worked; the amount of capital invested, and the number of men employed, specifying the kind of mineral, the aggregate quantity in pounds and its valuation at the place of mining, the amount of capital invested and the number of men employed; and the value of all the merchandize imported the preceding year for the purpose of sale.

Duty of Secretary of State.

Sec. 3. The Secretary of State shall prepare proper blanks for taking the census and statistics, and shall transmit to the several county clerks of all the organized counties of the State, a sufficient number for each township, ward or assessment district in each county, on or before the first day of January, A. D. 1854, and every tenth year thereafter; and it shall be the duty of the county clerk to receive and retain the same in his office, and on or before the second Monday in April next thereafter, cause to be delivered to the supervisor of each township and ward, and assessor of each assessment district in the county, a sufficient number of said blanks for the supervisor or assessor to take the census of his township, or ward or assessment district, (as the case may be,) and to make a condensed statement thereof, as prescribed in the next succeeding section.

Census and statistics to be condensed by supervisor and assessor.

Sec. 4. It shall be the duty of each supervisor and assessor to condense the census and statistics of his township, ward or assessment district, so as to show the aggregate number of each class, to write out distinctly the names of all males over the age of twenty-one years; and when so arranged, he shall make duplicate copies, and personally deliver or forward the same to the county clerk of their respective counties, on or before the first day of July next thereafter; and it shall be the duty of the county clerk to forthwith seal up one copy and send it by mail to the Secretary of State, and the other he shall file and carefully preserve in his office.

Duty of Co. clerk.

Sec. 5. If any supervisor or assessor shall be sick, or otherwise unable to perform, or omit to perform the duties required by this act, the township or city board shall immediately appoint a suitable person to do the duties of such supervisor or assessor, who shall take and subscribe the constitutional oath before entering upon the duties of his office.

Township or city board shall appoint in case of sickness or inability.

Sec. 6. Any supervisor or assessor neglecting or refusing, without <sup>Penalty for neglect of duty.</sup> cause shown, to perform all the duties prescribed in this act, shall forfeit the sum of one hundred dollars, to be recovered by an action of debt, in the name of the people of the State of Michigan, for the use of the county where such failure occurred.

Sec. 7. It shall be the duty of the county, township, or city clerk, (as <sup>Duty of prosecuting attorney.</sup> the case may be,) to notify the prosecuting attorney of the county of forfeiture under this act, who shall immediately commence a suit for the recovery thereof, and prosecute the same to a final termination.

Sec. 8. The supervisor of each township and ward, and the assessor of each assessment district, shall be allowed, in addition to the amount allowed by law for taking the assessment of his township, ward, or assessment district, one dollar for every one hundred persons by whom the assessment is returned, if the number shall exceed one thousand and five hundred, and one dollar and fifty cents per hundred for any number less, and ten cents per mile for conveying the returns to the county clerk's office, which shall be in full for all services performed under the provisions of this act; and the sum due each supervisor and assessor for such services, shall be calculated at the rate aforesaid by the county clerk, to which the proper returns are made, and his certificate of the amount due shall be paid by the treasurer of said county: *Provided,* <sup>Compensation.</sup> that before a supervisor or assessor shall be entitled to receive such compensation, he shall attach a certificate to each copy of said returns, signed by him, in the following form, to wit: "I do hereby <sup>Form of certificate.</sup> certify that the census and statistics set forth in the schedule hereunto annexed, has been consolidated and arranged from enumeration and statistical lists, made by actual inquiry at the dwelling, or personal inquiry of the head of every family, or of a competent person acquainted with the facts, by myself, in the township of \_\_\_\_\_, or ward number \_\_\_\_\_, in the city of \_\_\_\_\_, or assessment district in the \_\_\_\_\_ of \_\_\_\_\_, (as the case may be,) and that the said schedule has been made in every respect in conformity with the act for taking the census and statistics for the year eighteen hundred and fifty-four, and every tenth year thereafter, and is correct and true according to the best of my knowledge and belief."



Duty of Secretary of State relative to returns.

Sec. 9. The Secretary of State shall condense in a tabular form the census and statistical returns made to him, and as soon as may be, cause three thousand copies to be published in pamphlet form, and transmit four copies to each organized township in the State, one for the use of the supervisor, one for the use of the township clerk, and two to be deposited in the township library; and twenty-five copies to the mayor of the city of Detroit, and ten copies to the mayor of any other city in the State, for the use of the several city libraries, and one copy to each of the members of the present legislature and its officers: *Provided*, That in counties having less than five thousand inhabitants, the supervisor in each town shall be entitled to three dollars for taking the census and statistics in his town extra.

Proviso.

Compensation.

Authority of common council of Detroit to appoint.

Sec. 10. In the city of Detroit, the common council shall appoint a person in each ward to discharge the duties required by this act to be performed by the supervisor of each township or ward: *Provided*, There is no assessor elected in said wards.

Columns of figures to be footed, &c.

Sec. 11. It shall be the duty of the persons required in this act to take said census, to have the several columns of figures footed, and the aggregate amount put down.

Governor to appoint marshals in certain cases.

Sec. 12. That the Governor appoint marshals to take the census in the unorganized territory not otherwise provided in this act, who shall receive such compensation as the board of supervisors of the organized county to which such unorganized territory is attached for judicial purposes shall allow.

This act shall take effect immediately.

Approved February 9, 1853.

[ No. 44. ] ✓

AN ACT to amend sections three, nine, eighteen, nineteen and twenty, of an act entitled "an act relative to Plank Roads," approved March 13, 1848, and to add thereto six new sections, to stand as sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty.

Sec. 3 of act No. 63 of 1848, amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of an act entitled "an act relative to plank roads," approved March thirteen, eighteen hundred and forty-eight, be amended so that the same shall read as follows :

"Sec. 3. All such corporations shall be deemed persons in law, and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant or otherwise, and holding any lands, tenements and hereditaments necessary to be used in the construction, repair and preservation of any such road, and may establish by-laws and regulations necessary for the construction, preservation and repair of any such road or roads, and the erection of toll gates and houses thereon; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders in any such road; the number of shares of stock that shall entitle a stockholder to one or more votes; the mode of voting by proxy; the mode of selling shares of stock and the non-payment of assessments; the mode in which shares shall become forfeited to such company; and may prescribe penalties for the violations of such by-laws, which penalty shall not exceed twenty-five dollars for each offense; and in addition to the powers in this act otherwise granted to such companies, any such company shall have the following powers, under the conditions herein prescribed:

Powers of  
plank road  
companies.

"1. For the purpose of providing means for the construction and completion of any plank road authorized to be built by any such company, and its building and equipments, any such company may issue its corporate bonds or obligations, not exceeding in the aggregate one-half of the capital stock of such company, in such form as it may deem proper, payable at such time and places in this State, upon such terms and with such rates of interest, (not exceeding ten per cent per annum,) as the board of directors of such company may determine, with the approval of the owners of a majority of the stock of such company: *Provided*, no such bond or obligation shall be issued for a less sum than one hundred dollars.

May issue  
corporate  
bonds.

"2. Any such company may sell, dispose of or negotiate such bonds or obligations, either within or without this State, at such rates, for such prices and on such terms as such company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of or negotiated at a discount, such sale, disposal or negotiation shall be as valid and effectual as if such bonds or obligations had been sold, disposed of or negotiated at their par value; and such

Company  
may dispose  
of bonds.

bonds or obligations shall be valid and binding, as a security for the whole sum payable by the terms thereof, in the same manner as if the same had been sold, disposed of or negotiated at their par value :  
*Provided*, that none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company.

*Proviso.*

*Construct'n  
stock.*

*Dividends.*

"3. For all or any of the purposes aforesaid, any such company may create and issue shares of guarantied stock, to be denominated "construction stock," to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such company allowed by law, which construction stock shall be entitled to such dividends, and be payable at such place and in such manner, and with such preferences, or priority, over the remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shall be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting, called for the purpose of taking into consideration the propriety of issuing such stock ; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of such company:

*Proviso.*

*Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published; and if no newspaper shall then be published in any of said counties, then in some newspaper published in the city of Detroit."

*Sec. 2 of act  
No. 48 of  
1899, amended.*

Sec. 2. That the ninth section of said act shall be amended by striking out the words "Secretary of State," in the third line, and inserting in lieu thereof the words "Auditor General," and by adding to said section the following, viz: "and the actual nett profits of said company for the preceding year;" so that, as amended, said section shall read as follows, viz :

"Sec. 9. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of any such company to read a report to the Auditor General, verified by the oath of any two of such directors, setting forth the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much expended, the whole amount of earnings expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual nett profits of said company for the preceding year."

Annual report to be made to Auditor General.

Sec. 3. Section eighteen of said act shall be amended by striking out all of said section after the word "tax," in the second line, and inserting in lieu thereof other provisions; so that said section, as amended, shall read as follows, viz :

Sec. 18 of act No. 63 of 1848, amended.

"Sec. 18. Each and every plank road company shall pay to the treasurer of the State of Michigan, an annual tax at the rate of five per cent. on the nett profits of said company for the year preceding the day on which the report in the ninth section of this act mentioned shall be made, which tax shall be paid on the first Tuesday of July in each year, and shall be estimated upon the last preceding report of said company, and said state tax shall be in lieu of all other taxes upon the property of said company."

Annual State tax; when to be paid, and how estimated.

Sec. 4. That sections nineteen and twenty be stricken out, and the following inserted in lieu thereof :

"Sec. 19. Every plank road company, subject to the provisions of this act, shall cease to be a body corporate, if, within seven years from and after the passage of the act incorporating them, they shall not have commenced the construction of their road, and if, within ten years from and after the passage of the act incorporating them, such road shall not be completed according to the provisions of this act, by any company, then such company shall forfeit all rights to so much of said road as shall not be so completed within said period."

When road to be constructed.

Forfeiture of rights.

Sec. 5. That six new sections be added to said act, to stand as sections 25, 26, 27, 28, 29, and 30, as follows :

New sections.

Power of  
toll-gather-  
er.

"Sec. 25. Each toll gatherer of any such company may detain and prevent from passing through his gate any person or persons riding or leading or driving one or more animals or vehicles subject to toll, until such person or persons shall pay the lawful toll authorized by law to be demanded at such gate.

Penalty for  
obstruction,  
&c.

"Sec. 26. If any person shall wilfully or maliciously obstruct, break, injure or destroy the plank road of any such company, or shall wilfully or maliciously injure or destroy any building, bridge, culvert, toll gate, or other work or fixture of any such company, such person shall be punished by imprisonment in the State prison not exceeding three years, or by fine not exceeding five hundred dollars, and by imprisonment in the county jail not exceeding one year.

Liability in  
certain ca-  
ses.

"Sec. 27. Every person who, with one or more animals or vehicles, subject to toll, shall travel on the road of any such company between the toll gates, and shall not pass through any gate of any such company, shall be liable to pay any such company on demand, the regular toll at the rate per mile established by the charter of any such company, for the distance actually so travelled: *Provided*, that this section shall not apply to any person for any such travel as is exempted from toll.

*Ibid.*

"Sec. 28. Every person who, to avoid the payment of legal toll on said road, shall, with his vehicle or animal, or vehicles and animals subject to tolls, turn off from such road or pass any gate thereon, on any ground adjacent thereto, and enter again on such road, shall forfeit and pay any such company for each offence, the penalty of ten dollars and costs of suit for the recovery of the same.

Penalties &  
forfeitures;  
how recov-  
ered.

"Sec. 29. All penalties and forfeitures given by the charter of any such company, may be sued for and recovered by any such company in its own name, in an action of debt or assumpsit, in any court of competent jurisdiction, or before any justice of the peace in the county where such offence was committed; and on the first Monday in January in each year, the treasurer of any such company shall render under oath to the treasurer of the proper county, an account of all moneys collected during the preceding year by any such company, for any penalty or forfeiture accruing within said county, and shall pay over to said county treasurer one-half of the amount so collected for the use of the county, and return the other half for the use and benefit of the company.

Duty of  
treasurer of  
company.

"Sec. 30. Any plank road company, organized under the provisions of this act, shall be subject to the provisions of all amendments made or to be made thereto, whenever the assent of any such company, certified by the president and secretary thereof, to the provisions of such amendments, shall be filed in the office of the Secretary of State."

*Company subject to certain provisions.*

Sec. 6. This act shall take effect immediately.

Approved February 9, 1853.

[ No. 45. ]

AN ACT to amend sections thirteen and eighteen of an act entitled "an act to incorporate the village of Hillsdale."

SECTION 1. *The People of the State of Michigan enact*, That sections thirteen and eighteen of an act entitled "an act to incorporate the village of Hillsdale," approved March sixteenth, eighteen hundred and forty-seven, be and the same are hereby amended so that they shall read as follows:

*Sections 13 and 18 of act No. 53 of 1847, amended.*

"Sec. 13. The president and trustees shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, street commissions, treasurer, clerk, and assessors, relative to the time and manner of laying out, altering and working the streets, lanes and alleys of said village; relative to the manner of assessing, levying, and collecting all highway and other taxes in said village, and applying the same, as well as the amount of taxes to be raised: *Provided*, That there shall not be raised in any one year, exclusive of the poll tax, more than three hundred dollars, except upon a vote of the electors of said village, taken at the annual meeting immediately after the closing of the polls, or at a special meeting called upon a notice as provided for the annual meetings, in which notice the object of the meeting shall be stated, and not to exceed one thousand dollars with such vote; and the said president and trustees shall have full power to make by-laws and ordinances relative to all nuisances within the limits of said village, to construct drains, sewers and reservoirs; to license all show-men, and regulate the number; to make such regulations respecting fires, and for protecting the village from fire, as they shall deem

*Power of president, & trustees.*

*Provide.*

proper and expedient ; relative to the calling of meetings of the electors of said village ; relative to the restraining of swine, horses and other animals from running at large in said village ; to suppress gaming tables kept for hire, gain or reward in said village ; for preventing and suppressing all gambling, disorderly and bad houses ; for the suppression of riots ; for the apprehension and punishment of all gamblers, vagrants, drunkards and idle persons ; to prevent the incumbering of the streets, alleys and public grounds ; and they shall have power to make such other laws and ordinances for the safety and good government of said village, as shall be necessary to carry into effect all the powers and authority reposed in them, as to them shall seem necessary ; and to impose all fines, penalties and forfeitures on all persons offending against the by-laws and ordinances made as aforesaid : *Provided always*, such by-laws and ordinances shall not be repugnant to the constitution and laws of the United States or the State of Michigan.

Power of  
president &  
trustees re-  
lative to tax-  
es.

"Sec. 18. The president and trustees shall have power to levy and collect a capitation or poll tax (not exceeding one day's labor on the highways or streets) of every male inhabitant of said village over twenty-one years of age, except paupers, lunatics, and persons of color ; and also such taxes on real and personal property within the limits of said village, as may be necessary to defray the expenses thereof, and make such improvements as they shall deem necessary:

Proviso.

*Provided*, That the amount raised in any one year, exclusive of the poll tax, shall not exceed the sum of three hundred dollars, except upon a vote of the electors of said village, taken at the annual meeting immediately after the closing of the polls, or at a special meeting called upon a notice as provided for the annual meetings, in which notice the object of the meeting shall be stated, and not exceeding one thousand dollars with such vote ; and all such taxes, so levied upon the real and personal property aforesaid, shall be graduated according to the assessment roll of the assessor, to be made out as the by-laws and ordinances of the president and trustees shall direct."

Restriction.  
Certain tax-  
es, how  
graduated.

Act No. 239  
of 1850, re-  
pealed.

Sec. 2. An act entitled "an act to amend an act to incorporate the village of Hillsdale, approved April first, eighteen hundred and fifty," is hereby repealed.

~~Sec. 2.~~ This act shall take effect and be in force from and after its passage.

Approved February 9, 1853.

[ No. 46. ]

AN ACT relative to surplus funds in the State Treasury.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer be and he is hereby instructed to require of any bank, before he shall make it a depository of surplus funds belonging to the State, good and ample security, to be approved by the State Treasurer, Auditor General, and Secretary of State, for the safe keeping and re-imbursement of such surplus funds when called for, and the payment of interest thereon, at a rate of not less than five per cent. per annum.

Sec. 2. Nothing in this act contained shall be held or considered in any manner as changing or affecting the liability of the State Treasurer or his bail, on their bond to the State.

Sec. 3. This act shall take effect immediately.

Approved February 9, 1853.

[ No. 47. ]

AN ACT to extend the time for the collection of taxes in the township of Bridgeport, in the county of Saginaw.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Bridgeport, in the county of Saginaw, for the year eighteen hundred and fifty-two, be and the same is hereby extended to the first Monday in March, eighteen hundred and fifty-three. Time extended.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life time of his warrant, and to make his return at any time on or before the first Monday of March next; and said warrant is hereby renewed and continued in full force and virtue for the purposes aforesaid, until the said first Monday of March next. Duty of treasurer.



**Sec. 3.** It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the supervisor of said township.

Transcript  
of unpaid  
taxes to be  
returned to  
Auditor  
General.

**Sec. 4.** A transcript of all lands returned to the county treasurer in pursuance of the foregoing provisions, delinquent for non-payment of taxes, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes for the year eighteen hundred and fifty-two, duly returned to the Auditor General for non-payment.

**Sec. 5.** This act shall take effect immediately.

Approved, February 9, 1853.

[ No. 48. ]

AN ACT to amend an act to incorporate the Native Copper Company, approved March 31, 1849.

**SECTION 1.** *The People of the State of Michigan enact, That sections two and three of an act to incorporate the Native Copper Company, be so amended as to read as follows :*

Sections 2 &  
3 of act No.  
177 of 1849,  
amended.

**"Sec. 2.** The said company shall have corporate succession. Its capital stock shall be two hundred and fifty thousand dollars, divided into shares of twenty-five dollars each; and said company may acquire and hold such real and personal estate in the Upper Peninsula of Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company.

Capital and  
real estate  
of company.

**"Sec. 3.** The officers of said company shall consist of a president, board of five directors, including the president, (who shall be one thereof,) a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person, and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided, one of said directors shall at all times be a citizen and resident of this State, upon whom service of all process against said company may be made :*

Officers of  
company.

Assessment,  
on shares,  
&c.

~~and such service shall be deemed a valid service as against the said~~  
~~Matine Copper Company."~~

~~This act shall take effect immediately.~~

Approved February 10, 1853.

[ No. 49. ]

AN ACT to discontinue a certain road in the town of Martin, in the county of Allegan.

Whereas, Under and by virtue of the act entitled "an act appointing commissioners to lay out and establish certain State roads," approved March seventeenth, eighteen hundred and thirty-seven, a portion of the State road from Grand Rapids, through the town of Martin, in the county of Allegan, to Kalamazoo, in the county of Kalamazoo, and thence by way of Centreville, in the county of St. Joseph, to the southern boundary of the State, has heretofore been laid out: And whereas, That part of said road lying in the town of Martin aforesaid, is useless and unnecessary;

*SECTION 1. The People of the State of Michigan enact, That the portion of the public road aforesaid, in the town of Martin aforesaid, be and the same is hereby discontinued.*

Approved February 10, 1853.

[ No. 50. ]

AN ACT to amend section thirty-two of an act entitled "an act to incorporate the city of Adrian," approved January 31, 1853.

*SECTION 1. The People of the State of Michigan enact, That section thirty-two of an act entitled "an act to incorporate the city of Adrian," approved January thirty-one, eighteen hundred and fifty-three, be so amended as to read as follows:*

"Sec. 32. The Mayor of said city shall represent the several wards in the board of supervisors of the county of Lenawee, and shall be entitled to all the rights, privileges and powers of a member of said board, and no other; and while acting with and on said board, shall to all intents and purposes, be treated and considered as one of the Supervisors of said county; and for that purpose the said ward su-

Sec. 32 of act  
No. 30 of  
1853, amended.

Mayor to represent the several wards in the board of supervisors.

**Duty of supervisors.** supervisors shall furnish him with their assessment rolls, to be presented to said board of supervisors; such rolls, together with the accompanying certificates, after the action of said board thereon, shall be returned to the proper ward supervisor, who shall perform all the remaining duties of such supervisor."

Sec. 5. This act shall take effect immediately.

Approved February 10, 1853.

[ No. 51. ]

AN ACT to extend the time for the collection of taxes in the township of Rollin, in the county of Lenawee.

**Time extended.** SECTION 1. *The People of the State of Michigan enact, That the* time for the collection of taxes in the township of Rollin, in the county of Lenawee, for the year eighteen hundred and fifty-two, be and the same is hereby extended to the first day of March, eighteen hundred and fifty-three.

**Duty of treasurer.** Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the life-time of his warrant, and to make his return at any time on or before the first day of March next, and said warrant is hereby revived and continued in full force and virtue, for the purpose aforesaid, until the first day of March next.

**Bond to be renewed.** Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the life-time of his warrant, as is now provided by law, and renew his official bond to the satisfaction of the treasurer of said county.

**Transcript of unpaid taxes; how returned.** Sec. 4 A transcript of all unpaid taxes returned to the County. Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time, as other taxes for the year eighteen hundred and fifty-two, duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take effect immediately.

Approved, February 11, 1853.

LAWS OF MICHIGAN.

75

[ No. 52. ]

**AN ACT** to prevent the wilful and malicious destruction of fruit, shade, or ornamental trees.

**SECTION 1.** *The People of the State of Michigan enact,* That every <sup>Wilful tree-</sup> person who shall wilfully and maliciously or wantonly and without <sup>pass.</sup> cause, cut down or destroy or otherwise injure any fruit tree or trees or any other tree or trees, not his own, standing or growing for shade or ornament on the land of another, the damage for which said cutting down, destruction or injury to the owner or owners of said tree or trees shall amount to the sum of twenty-five dollars, shall be <sup>Penalty.</sup> punished by imprisonment in the State prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, in the discretion of the court.

**Sec. 2.** This act shall take effect immediately.

Approved February 11, 1853.

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[ No. 53. ]

**AN ACT** to provide for the publication of Probate and other legal notices.

**SECTION 1.** *The People of the State of Michigan enact,* That all <sup>Probate no-</sup> probate and other legal notices, required by law to be published by <sup>tices; how</sup> the Judge of Probate, of any county, or any other county officer, shall be published in some newspaper printed in the county where said probate judge shall hold his court, or where such other county officer shall reside, if there be one printed in said county: *Provided,* That this act shall in no wise affect notices which are now required to be published previous to the sale of real estate, by executors, administrators and guardians.

Approved February 11, 1853.

LAWS OF MICHIGAN.

[ No. 54. ]

AN ACT to provide for the payment of specific taxes to the counties in the Upper Peninsula.

Specific taxes; how paid.

SECTION 1. *The People of the State of Michigan enact, That one-half of the taxes received or which may be hereafter received into the treasury of the State, from mining corporations in the Upper Peninsula, paying an annual tax of one per cent, shall be paid to the treasurers of the counties from which they respectively have been or hereafter may be received, upon the written order of the county clerk of the county from which such tax has been or shall be received, to be used for county and township purposes, as the board of supervisors in said counties respectively shall direct, as provided in section seven of article nineteen of the constitution.*

Approved February 12, 1853.

[ No. 55. ]

AN ACT to provide for the collection of taxes in the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-two, and to extend the time for the collection thereof.

Legality of tax roll.

SECTION 1. *The People of the State of Michigan enact, That the tax roll for the township of Marquette, in the county of Marquette, for the year eighteen hundred and fifty-two, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the township treasurer at the time prescribed by law.*

Bond required.

Sec. 2. That the treasurer of said township file his bond as required by law, within five days after the reception of said roll, and before he proceeds to the collection of taxes.

Time extended.

Sec. 3. That the time for the collection of said taxes be extended to the first day of June next, and that the said treasurer make return as provided by law in other cases, on or before the tenth day of June next.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 12, 1853.

LAWS OF MICHIGAN.

27

[ No. 56. ]

**§ ACT** to amend an act entitled "an act to incorporate the village of Battle Creek," approved April second, eighteen hundred and fifty; and also to amend an act entitled an act to amend an act entitled "an act to incorporate the village of Battle Creek," approved April fourth, eighteen hundred and fifty-one.

**Section 1.** *The People of the State of Michigan enact,* That an act entitled "an act to incorporate the village of Battle Creek," approved April second, eighteen hundred and fifty, and an act entitled "an act to amend an act entitled an act to incorporate the village of Battle Creek," approved April fourth, eighteen hundred and fifty-one, be amended as follows: amend section eight, so that said section as amended, shall read as follows:

Acts No.  
287 of 1850,  
and No. 100  
of 1851,  
amended.

"Sec. 8. The village council shall have power to ordain and establish by-laws, rules, and regulations, and the same to alter and repeal at pleasure, for the following purposes:

General  
powers of  
village council.

"1st. For the election or appointment of any subordinate officers, necessary, and prescribe their duties, and the duties of the treasurer, and the amount of bonds he shall give for the performance of his duty, which bond shall run to the president of said corporation and his successors, who shall have power to sue for any breaches of the same for the benefit of said corporation, and to prescribe the amount of fees which all the officers of said corporation (except the village council) shall be entitled to receive for their services:

"2d. To prohibit the running at large of swine, cattle, mules, horses, sheep, and other animals within the limits of said village, and build a pound for impounding the same:

"3d. To regulate the building of partition and other fences:

"4th. To prescribe the manner in which stoves, with their pipes, in actual use, shall be put up, and chimneys built, to guard against fire:

"5th. To remove nuisances:

"6th. To regulate the licensing of all public shows and exhibitions in said village, and to prescribe the sums to be paid into the treasury therefor:

"7th. To grade the streets and alleys, and plank or pave them, and to cause side-walks to be made, and the expense thereof to be

assessed on the lots in front of which either or all of said improvements shall be made; but no one of said improvements shall be made unless a majority of the resident freeholders to be assessed for such improvements shall petition the council for that purpose, and notice be given as hereinafter mentioned:

"8th. To cause the streets, alleys, side walks, and public highways, and every part thereof, to be kept free from obstructions, and to prescribe penalties for obstructing the same :

"9th. To take up, vacate, and discontinue any street, or alley, in said village, upon the petition of ten freeholders residing in said village, first giving ten days notice in writing, in three of the most public places in said village, of the time and place of the meeting of said council, to vacate, or discontinue any such street or alley :

"10th. To suppress all gambling houses and riotous and disorderly conduct, and to prevent horse-racing, and everything else that disturbs the public peace or endangers the safety of the citizens:

"11th. For a violation of any which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said village council may deem proper ; and any such fine and penalty may be recovered before any justice of the peace of the township of Battle Creek, and any interest the inhabitants of the village of Battle Creek, as a body corporate, may have in such fine or penalty to be recovered, shall not disqualify them to act as jurors, or from being witnesses in any suit for the recovery thereof."

Section 9 of  
said act re-  
pealed.

Relative to  
vacating  
streets and  
alleys.

Appeal.

Sec. 2. That section nine of said act be and the same is hereby repealed, and that the following stand in lieu thereof, as section nine:

"Sec. 9. The final determination or order of said village council, in vacating and discontinuing any street or alley, on refusing so to do, shall be entered at large by the clerk upon the records of said council; and any person interested and feeling himself aggrieved by such determination, may appeal therefrom within ten days from the entry so made by the clerk, and not after, to the circuit court for the county of Calhoun, which court is hereby authorized to hear, try and determine such appeal, and to make such order therein as the court may deem necessary to promote the ends of justice, which order so made by the court shall be final in the premises. And the register of deeds of said county of Calhoun, may enter of record in his office,

any such order or determination of said village council, or of said court upon an appeal, when properly certified to by the clerk of said village, or by the clerk of said court as the case may be."

Sec. 3. That section eleven of said act be amended so as to read as follows.

"Sec. 11. When a majority of the free-holders residing upon any street, or upon either side of any street, or upon any portion of any street, not less than the width of one block, shall petition to improve said street by grading, planking or paving the same, or by building or repairing side-walks, or planting shade trees, the village council shall order the same to be done by giving ten days notice in writing to such occupant or owner, or to the agent of any vacant lot, on the portion of said street to be improved: *Provided*, If there be no resident owner or agent of any vacant lot, then a written notice posted up in the most conspicuous place on said vacant lot shall be deemed sufficient, directing them to construct such side-walk or to make such other improvement in a given time by them designated; and in case of neglect or refusal of any such owner or occupant to construct such side-walk or make such other improvement, it shall be lawful for the board forthwith to make such improvements and assess the expense of the same upon the premises in front of which said improvements have been made, and collect the same as provided for the collection of taxes by this act."

Duty of council relative to pavement of streets, &c.

Sec. 5. That section twelve of said act be amended so as to read as follows:

"Sec. 12. The electors of said village, at any annual meeting, shall have power to raise money by tax, any sum not exceeding one thousand dollars in any one year, which sum shall be determined by viva voce vote; and said tax shall be assessed on the property within the corporation in the same manner as township taxes are assessed, as near as may be, but no lands included in said corporation which are used for farming purposes, and not laid out into village lots, shall be included in such assessment. The assessors shall assess the property within said corporation in the same manner as township assessments are taken, and make returns thereof to the council on or before the third Monday of April in each year."

Tax.

Duty of assessors.



Sec. 5. That section fourteen of said act be amended so as to read as follows.

**Power of president & trustees.** "Sec. 14. The president and trustees of said village shall have power to acquire and hold land, in one or more parcels, not exceeding in all five acres, upon which they may erect a town hall and engine house, construct a village pound, make public grounds, and fence and ornament the same. All meetings of said village, for the election of officers and for any other purpose, shall be called by the president, or in case of his death or absence, then by the trustees, by posting up printed or written notices thereof in at least three public places in said village, at least six days before the time of holding said meeting, specifying the time and place of such meeting, and the purpose for which it was called; and all persons residing in said village who are qualified electors under the constitution of this State, shall be entitled to vote at all meetings. The president and trustees shall make out a tax roll in the usual form of township tax rolls, and the president of the village shall attach thereto his warrant, under his hand and seal, directing the treasurer of said village to collect the same in the manner prescribed for the collection of township taxes, and in the time prescribed by the village by-laws."

**Public meetings; how called.**

**Tax rolls.**

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 12, 1853.

[ No. 57. ]

AN ACT to amend sections two, twenty-seven, thirty-nine and forty of an act entitled "an act to provide for the formation of companies to construct plank roads," approved April 8, 1851.

**Sec. 2 of act No. 155, amended.**

SECTION 1. *The People of the State of Michigan enact, That section two of an act to provide for the formation of companies to construct plank roads, approved April eight, eighteen hundred and fifty-one, be so amended that the same shall read as follows:*

**Articles of association.**

"Sec. 2. Each subscriber to such articles of the associations shall subscribe thereto his name and place of residence, and the number of shares of stock taken by him in such company. The said articles of association may, when the provisions of the next section are complied with, be filed in the office of the Secretary of State; and there-

**Where filed.**

upon, the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles; and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons by gift, grant or otherwise, and holding any lands, tenements and hereditaments necessary to be used in the construction, repair and preservation of such road, and the erection of toll gates and houses thereon, and may, by such by-laws as shall be adopted by said company, prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges and be subject to the provisions contained in chapter fifty-five of the revised statutes of eighteen hundred and forty-six, entitled "general provisions relating to corporations," as far as the same shall be applicable and not inconsistent with the provisions of this act; and in addition to the powers in this act otherwise granted to companies organized or formed under this act, any such company shall have the following powers under the conditions herein prescribed:

Powers.

General provisions.

General powers of company.

"1. For the purpose of providing means for the construction and completion of any plank road authorized to be built by any such company, and its building and equipments, any such company may issue its corporate bonds or obligations, not exceeding in the aggregate one-half of the capital stock of such company, in such form as it may deem proper, payable at such time and places in this State, upon such terms, and with such rates of interest, (not exceeding ten per cent. per annum,) as the board of directors of such company may determine, with the approval of the owners of a majority of the stock of such company: *Provided*, No such bond or obligation shall be issued for a less sum than one hundred dollars:

"2. Any such company may sell, dispose of, or negotiate such bonds or obligations, either within or without this State, at such rates, for such prices, and on such terms as such company may determine; and in case such bonds or obligations, or any of them, shall thus be sold, disposed of, or negotiated at a discount, such sale, disposal or negotiation shall be as valid and effectual as if such bonds or obligations had been sold, disposed of, or negotiated at their par value;



and such bonds or obligations shall be valid and binding, as a security for the whole sum, payable by the terms thereof, in the same manner as if the same had been sold, disposed of, or negotiated at their par value: *Provided*, That none of such bonds or obligations shall be sold at less than par, without the consent of the holders of three-fourths of the stock of such company:

“ 3. For all or any of the purposes aforesaid, any such company may create and issue shares of guarantied stock, to be denominated ‘construction stock,’ to such an amount as it may determine, not to exceed (with the original stock subscribed to the capital of any such company) the amount of the capital stock of such company allowed by law; which construction stock shall be entitled to such dividends, and be payable at such place, and in such manner, and with such preferences or priority over the remaining stock of said company, in the payment of dividends, as the directors of such company may determine, and as shall be approved by the holders of three-fourths of the stock of such company, at their annual meeting, or any special meeting, called for the purpose of taking into consideration the propriety of issuing such stock; and the holders of such construction stock, and their representatives, shall be entitled to vote and have an equal voice in the management of the affairs of said company, with the holders of an equal amount of the original stock of such company: *Provided*, That no such construction stock shall be authorized to be issued at any meeting of said company, unless previous notice of such meeting, and the intention of submitting that question, shall have been published at least four consecutive weeks previous to such meeting, in some newspaper in each of the counties through which such road may pass, in which a newspaper is then published; and if no newspaper shall then be published in any of said counties, then in some newspaper published in the city of Detroit.”

Section 27  
amended.

Sec. 2. That section twenty-seven of said act be and the same is hereby amended so that the same shall read as follows :

May use  
highway by  
consent of  
certain town-  
ship officers.

“Sec. 27. Any plank road company which shall be organized under this act, is hereby authorized to enter upon, take and use any public highway on the route of said plank road, and to construct thereon or any part thereof, their plank road, with all necessary fixtures and appurtenances : *Provided*, The consent of the supervisors,

highway commissioners, or commissioners and township clerk, or a majority of them in each town through which such road passes, or instead thereof the consent of a majority of the freeholders residing on that part of the highway so to be taken, shall be first obtained; and such company, during the construction of such plank road, shall in no wise unnecessarily obstruct or prevent travel on such highway."

Sec. 3. That the thirty-ninth section of said act shall be amended Section 39, amended. so that, as amended, said section shall read as follows, viz :

"Sec. 39. On or before the first Tuesday of January in each year, Board of directors to report to Aud. General. it shall be the duty of the board of directors of any such company to render a report to the Auditor General, verified by the oath of any two of such directors, setting forth the length of road completed, the cost of constructing their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much of the same is paid in, and how much expended, the whole amount of earnings, and how much expended on such road, the amount received during the year for toll, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart as a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued, and the actual nett profits of said company for the preceding year."

Sec 4. Section forty of said act shall be amended so that said Section 40, amended. section, as amended, shall read as follows, viz :

"Sec. 40. Each and every plank road company formed under this act, shall pay to the treasurer of the State of Michigan, an annual Annual tax when paid. tax at the rate of five per cent on the nett profits of said company for the year preceding the day on which the report, in the ninth section of this act mentioned, shall be made; which tax shall be paid on the first Tuesday of January, in each year, and shall be estimated upon the last preceding report of said company, and said State tax shall be in lieu of all other taxes upon the property of said company."

Approved February 12, 1853.

[ No. 53. ]

AN ACT to complete the judicial organization of the State.

Certain counties included in the 3d and 8th judicial circuits.

SECTION 1. *The People of the State of Michigan enact, That the* third judicial circuit shall, in addition to the county of Wayne, include, the counties of Cheboygan and Emmet; and the eighth judicial circuit shall, in addition to the counties now included in it, also include the counties of Oceana, Newaygo, and Grand Traverse.

Duty of judge relative to terms of circuit court.

Sec. 2. The circuit judge of the third circuit is hereby required, within twenty days after the passage of this act, to appoint the times of holding the terms of the circuit courts in the counties of Cheboygan and Emmet, and to cause notice thereof to be published in the Northern Islander, a newspaper published in the county of Emmet, and also to transmit to the clerks of each of said counties a copy of such notice, which shall be filed and preserved by such clerk.

Id.

Sec. 3. The circuit judge of the eighth circuit is hereby required, within twenty days after the passage of this act, to appoint the times of holding the terms of the circuit courts in the counties of Oceana, Newaygo, and Grand Traverse, and to cause notice thereof to be published in the Grand Rapids Enquirer, a newspaper published in the city of Grand Rapids, and to transmit to the clerks of each of said counties a copy of such appointment, which shall be filed and preserved by such clerks.

Jurisdiction.

Sec. 4. The circuit courts shall have the same jurisdiction to hear, try, and determine causes now pending or hereafter commenced, as if said counties had been added to said circuit at the time of organizing the same respectively.

Sec. 5. This act shall take effect immediately.

Approved February 12, 1853.

[ No. 59. ]

AN ACT to amend section six of an act to continue for a limited time the charter of the Farmers' and Mechanics' Bank of Michigan.

Sec. 6 of act No. 124 of 1849, amended.

SECTION 1. *The People of the State of Michigan enact, That* section six of an act to continue for a limited time the charter of the Farmers' and Mechanics' Bank of Michigan, approved March twenty-

## LAWS OF MICHIGAN.

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fourth, one thousand eight hundred and forty-nine, be and the same is hereby amended so as to read as follows :

"Sec. 6. The said bank shall pay the State Treasurer, by the first day of March of the present year, and on or before the second Monday in January of each year hereafter, during its corporate existence, one per cent. on its entire circulation, which shall be in lieu of all other taxes, to be ascertained by the amount of stock deposited with the State Treasurer : *Provided*, That in no case shall said bank pay said tax on a less amount than one hundred thousand dollars; and all real estate owned by said bank shall be taxed as other property in the several townships, cities, and villages where the same may be situated."

Sec. 2. This act shall take effect immediately.

Approved February 12, 1853.

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[ No. 60. ]

### AN ACT relative to the Univerity Interest Fund.

SECTION 1. *The People of the State of Michigan enact*, That the Auditor General be required to credit the University Fund with the entire amount of the interest that has accrued since the thirty-first day of December last, and that may hereafter accrue, upon the whole amount of university lands sold, or that may be hereafter sold, and to draw his warrant upon the State Treasurer, which he is hereby required to pay to the treasurer of the University, upon his application therefor, from time to time, as the said interest so credited may accrue and be received.

Duty of Auditor General relative to interest on university fund.

Sec. 2. This act is hereby limited in its operations to the period of two years from and after the thirty-first day of December, eighteen hundred and fifty-two.

Limitation.

Approved February 12, 1853.

[ No. 61. ]

AN ACT supplementary to an act to provide for the construction of a ship canal around the falls of St. Mary's, approved February fifth, eighteen hundred and fifty-three.

Commissioners appointed under act of Feb. 5, 1853, authorized to remit taxes in certain cases.

SECTION 1. *The People of the State of Michigan enact, That the commissioners appointed under an act to provide for the construction of a ship canal around the Falls of St. Mary's, approved February fifth, eighteen hundred and fifty-three, are hereby authorized, in case they shall find it is impracticable to let the contract for the construction of said canal, on terms which will secure its completion according to the provisions of said act, in their discretion, to contract that any taxes to be assessed on the lands donated for that purpose, shall be remitted to the person or persons taking such contract, for a period not exceeding five years from the time fixed for the completion of said canal: Provided, That when any of said lands shall be sold by the contractors to any other persons, the same shall thereafter be subject to taxation as in other cases.*

Proviso.

Duty of Auditor General.

Sec. 2. For the purpose of carrying out the provisions of the foregoing section, the Auditor General is hereby required, upon satisfactory evidence that any of said lands are held by such contractors, and have not been sold by them, to receipt the amount of any such taxes assessed within the period fixed upon in such contract, and returned to his office for non-payment, and to charge the amount thereof to the general fund: *Provided, That the amount so charged to the general fund may be reimbursed to the State from tolls upon said canal, in such manner as shall be provided by law, in case said amount shall not be resimbursed by the United States government.*

Proviso.

This act shall take effect immediately.

Approved February 12, 1853.

[ No. 62. ]

AN ACT to amend act number ninety (90) of the session laws of eighteen hundred and fifty-one (1851) entitled an act to incorporate the village of Mount Clemens, approved April fourth (4th,) eighteen hundred and fifty-one, (1851.)

Sec. 11 of act No. 90 of 1851, amended.

SECTION 1. *The People of the State of Michigan enact, That section eleven (11) of act number ninety (90) of the session laws of eighteen hundred and fifty-one, (1851,) be and the same is hereby*

amended by adding after the word "warrant," in the twentieth line, "said warrant may be renewed from time to time as the village council shall direct;" and by inserting after the word village, in the twenty-third line, the words "except for the purpose of purchasing fire engines and the necessary apparatus for extinguishing fires;" also by inserting after the word year, in the twenty-ninth line, the words "except in the case of the purchase of fire engines and apparatus;" so that said section, when amended, shall read as follows, viz:

"Sec. 11. It shall be the duty of the council, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said president, recorder and trustees, or a majority of them, directed to and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite to their respective names, as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day to be named therein, not less than forty days from the date of said warrant; and said warrant may be renewed from time to time as the village council shall direct: *Provided*, That the village council shall not in any one year raise by tax a sum exceeding two and one-half mills on a dollar of the assessed valuation of real and personal property in the said village, unless the electors thereof shall, in legal meeting assembled, authorize a larger sum to be raised: *And provided further*, That the council shall not create a debt against the corporation greater in any one year than the amount of tax they are authorized to raise for such, except in the case of fire engines and apparatus: *And provided further*, Said council shall be and are hereby authorized to call special meetings of the electors

Duty of council relative to assessments.

Assessment roll to be delivered to marshal.

Proceedings in case of refusal or neglect to pay.

Power of council relative to amt of tax.



of the village for the purpose of taking a vote of such electors as to raising a larger sum than the council can by this act raise."

Sec. 2. That the following be added to stand as a new section, viz :

President &  
trustees  
may levy  
capitation  
tax.

"Sec. 20. It shall and may be lawful for the president and trustees of said village, at any regular meeting in council assembled, to levy a capitation tax upon every qualified voter residing in the said village: *Provided*, That such tax shall not in any one year exceed the sum of seventy-five cents on each person to be so taxed, and the said poll tax collected in the same manner as taxes upon the personal property as prescribed in the act to which this is amendatory."

This act shall take effect immediately.

Approved February 12, 1853.

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[ No. 63. ]

AN ACT supplementary to an act entitled "an act relative to surplus funds in the State Treasury," being house bill of present session number seventy-three.

Act No. 46  
of 1853,  
amended.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "an act relative to surplus funds in the State Treasury," be amended by striking out of the fifth line of section one, the word "five," and inserting the word "one," to come in next before the words "percent per annum;" so that the same as amended shall read as follows, viz :

Relative to  
depository  
of surplus  
funds in  
State Treas-  
ury.

"SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer be and he is hereby instructed to require of any bank, before he shall make it a depository of surplus funds belonging to the State, good and ample security, to be approved by the State Treasurer, Auditor General and Secretary of State, for the safe keeping and reimbursement of such surplus funds when called for, and the payment of interest thereon at the rate of not less than one percent per annum."

Approved February 12, 1853.

[ No. 64. ]

AN ACT to incorporate the village of Hudson.

SECTION 1. *The People of the State of Michigan enact*, That all <sup>Boundaries of the village of Hudson.</sup> that tract of country situate in the township of Hudson, in the county of Lenawee, and distinguished and designated on the plats in the land office of the Monroe district, as the south half of section eighteen, and the north half of section nineteen, in town seven south and range one east, be and the same is hereby constituted a town corporate, by the name of the village of Hudson.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at the school house on the west side of the river, in said village, on the first Monday of May next, and on the first Monday of May annually thereafter, at such place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes, to elect by ballot, from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder and one treasurer, who shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described. <sup>Annual election of officers; where held, &c.</sup> <sup>Term.</sup> <sup>Proviso.</sup>

Sec. 3. At the first election to be holden in said village under this act, there shall be chosen, viva voce, by the electors present, two judges and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, who shall form the board of election, and shall conduct the same, certify the result in the same manner that the common council are required to do by this act; and all subsequent elections shall be held in said village, and superintended by the president, recorder, and one or more of the trustees: *And further*, That at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock <sup>Certain officers to be chosen viva voce, at first election.</sup> <sup>Subsequent elections.</sup> <sup>Time of opening and closing polls, &c.</sup>

in the afternoon of the same day, and no longer, and that the name of each elector voting at such election shall be written in a poll list to be kept at such election by the officer or officers holding the same, and the said officer or officers shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the officer or officers holding said election shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found, rolled or folded up together, they shall not be estimated; and thereupon the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, or on the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after the said election; at which last mentioned period, the common council shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall at any time happen that two or more persons shall have an equal number of votes, so that no election shall be had, a new election shall be held.

Canvass.

Certificate of determination; where filed.

Duty of recorder relative to annual and special elections.

Sec. 4. It shall be the duty of the recorder of said village to give five days' public notice, in writing, in three public places, in said village, of the time and place of holding all elections, both annual and special in said village, and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified, as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation before any justice of the peace for said county of Lenawee, to support the constitution of the United States, and of this State, and faithfully and impartially to execute and discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

Duty of president and recorder.

Sec. 5. It shall be the duty of the president to preside at all the meetings of the village council, and it shall be the duty of the recorder to attend to all such meetings, and keep a fair and accurate record of the proceedings.

Sec. 6. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "the common council of the village of Hudson," and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record and any other place whatsoever; and may have a common seal, and may alter and change the same at their pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for the use of said corporation.

Incorporation.

Powers of common council.

Sec. 7. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to the laying out and construction of streets and highways, and the labor to be performed thereon within the limits thereof, and also so far as relates to the sale and vending of spirituous liquors in said village.

Inhabitants liable to operation of certain laws.

Sec. 8. The president, recorder and trustees, when assembled together and duly authorized, shall constitute the "common council of the village of Hudson," and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time,) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the common council shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof, at any such meeting; and also to require the attendance of any officer by them appointed, and to impose fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offence.

Quorum.

Meetings; when and where held.

Penalty for non-attendance.

Sec. 9. In case of the death, resignation, removal of the president, recorder, or any of the trustees, or other officers elected by the freemen of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and order by a public notice to be posted up in three public places in said village, that an election will be held by the freemen of said village to elect a

Vacancies; how filled.

suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner as is hereinbefore provided for the election of village officers; which election shall be ordered to be held at any time within thirty and not less than five days after such vacancy shall have occurred.

Powers of common council relative to vacancies.

Sec. 10. The common council shall have power to remove at pleasure any of the officers by them appointed by virtue of this act, and to fill all vacancies that may happen in any of said offices so often as the same shall occur by death, resignation, removal, or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Security required for faithful discharge of duty.

Sec. 11. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts in them as the common council shall direct and require.

General powers of common council.

Sec. 12. The common council shall have full power and authority to appoint a marshal and all other officers necessary under the provisions of this act for said village, whose elections not herein provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessors, and other officers; relative to time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the said common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same; and for the punishment, by fine, of all persons occasioning the same; to construct sewers and resivors; to license all showmen; to suppress all games of chance or hazard; to compel the owners of all buildings to procure and keep in readiness such number of fire buckets as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the protecting of the village from fires; relative to calling of meetings of the electors of said village, relative to the keeping and sale of gun powder in said village; relative to restraining of swine, horses, and other animals from running at large in the streets, lanes and alleys, and other public places in said village; to regulate and establish one or more pounds for said village; to sup-

press billiard tables, and all other gaming tables kept for hire, gain, or reward in said village; and also, full power and authority to make all such by-laws and ordinances as may be deemed by the common council expedient or necessary for preventing and suppressing all disorderly and bad houses: *Provided always*, Such by-laws shall not be repugnant to the constitution and laws of the United States or of the State of Michigan: *And provided also*, That no by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said county of Lenawee, or by written notices posted up in three of the most public places in said village.

Sec. 13. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said village, and the inhabitants thereof, against injuries by fire, and persons violating the public peace; for suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power to make all by-laws and ordinances, as to them shall seem necessary, for the safety and good government of said village, and the inhabitants thereof, and to impose all fines, penalties, or forfeitures, on all persons offending against the by-laws and ordinances made as aforesaid.

By-laws and ordinances.

Sec. 14. The common council shall have full power to prevent the vending of liquors in any place in said village, not duly authorized; to regulate the measuring of fire-wood and the weighing of hay, and to prescribe and designate the stand for carters and carts, and for wood, hay, and produce, exposed for sale in said village; to prevent and punish immoderate driving in any of the streets of said village; to prevent incumbering of the streets, side-walks, alleys, or public grounds or squares, and to regulate all grave-yards and burial of the dead for said village.

Powers of common council relative to vending liquors, &c.

Sec. 15. The common council shall have authority to lay out and establish, open, make, and alter, such streets, lanes and alleys, side-walks, highways, water-courses and bridges, within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require, for such purposes, the grounds of any person, they shall give notice thereof to the owner or

General powers of common council relative to opening of highways, &c.

parties interested, or his or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said common council for the purposes aforesaid ; and the said common council are hereby authorized to treat with such person for such ground or premises ; and if such person shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall be lawful for said common council to direct the recorder of said village to issue a *venire facias* to command the marshal of said village, [or] any constable of said county, to summon and return a jury of six disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace in said village, at any time therein to be stated, to inquire into and assess the damages, and recompense the owner or owners of or parties interested in such grounds or premises ; which jury, being first duly sworn by said justice faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense, as they shall judge fit to be awarded to the owner or owners of or parties interested in such ground or premises, for their respective losses, according to the several interests and estates therein ; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same, and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, side-walk, highway or bridge, shall be made, opened, established, or altered, to the claimant or claimants thereof ; but if such jury shall find that the claimant is not entitled to any damage then it shall be competent for said justice to render judgment against such claimant for costs, and to issue execution therefor ; and in either case, it shall thereupon be lawful for the common council to cause the same grounds or premises to be converted to and for the purposes aforesaid : *Provided*, That any party claiming damages may have a right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of the said party from the village, within thirty days after the verdict of such jury and the judgment of said justice

said; and upon the filing of a transcript of the proceedings in the circuit court, or any other court of record having jurisdiction, the same proceedings shall be had as is prescribed by law in cases of appeals: *Provided*, That if the final judgment of said court shall not exceed the damages assessed before trial, the party appealing shall pay all costs occasioned by such

16. Any justice of the peace of the township of Hudson is authorized and empowered to inquire of, hear, try and decide in a summary manner, all the offences which shall be committed within the limits of said village, against any of the by-laws, ordinances and regulations that shall be made, ordained or established by said common council, in pursuance of the powers granted by this act, and punish the offender or offenders, as by the said ordinances or regulations, shall be prescribed or directed: *Authority of justices of the peace.*  
*Provided*, That any person arrested on a charge of violating the by-laws aforesaid, may demand and have a trial by jury.

17. The marshal and such other officers as may be appointed by said corporation, shall receive such compensation for their services as the common council shall direct; but the marshal and such other officers shall receive no pecuniary compensation.  
*Compensation of certain officers.*

18. The common council shall, at the expiration of each year, publish a just and true statement of all moneys received by them, in their corporate capacity, during the year preceding such publication, and also the disposition thereof; to which they shall settle and audit the accounts of the marshal and all other officers or persons having claims against the corporation, and shall make out in detail a statement of receipts and expenditures, which statement shall fully specify appropriations made by the common council, and the objects for which the same were made, and the money expended on each appropriation, the amount of taxes raised, the amount of interest expenses, the amount on highways and streets, and all other items as shall be necessary to a full and perfect understanding of the financial concerns of the village.  
*Duty of common council relative to receipts and expenditures.*



Citizens of village; when not deemed incompetent witnesses, &c.

Sec. 19. In all processes, prosecutions, and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village.

Process against corporation; how served.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, The first process shall be by summons, and a copy thereof left with the recorder at least six days before the return day thereof.

Power of common council relative to capitation tax, and tax on real & personal property.  
Provide.

Sec. 21. The common council shall have power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real and personal property within the limits of said village, necessary to defray the expenses thereof: *Provided*, That the said taxes so assessed and collected shall not exceed in any one year one half of one per centum upon the valuation of said real and personal property; and every assessment of tax lawfully imposed or laid by the said common council on any lands, tenements and hereditaments or premises whatsoever in said village, shall be and remain a lien on such lands, tenements and hereditaments from the time of making such assessment or imposing such tax, until paid; and the owners or occupants, or parties in interest, respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for want thereof to sell real estate, rendering the overplus, if any, after deducting the charges of such sale, to such owner, occupant or lessee: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county, for at least one month; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be enti-

tled to a deed for said land; and if the person, claiming title to said lands described in the sale, shall not, within two years from the date thereof, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per cent. per annum, from the date of such certificate, the said marshal, or his successor in office, shall, at the expiration of the said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State shall have thereon; and the said conveyance shall be prima facia evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, and acknowledged by witnesses, and recorded in the usual form, may be given in evidence, in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence; and all personal estate so sold, shall be sold according and in such manner as the common council may direct.

Sec. 22. Whenever the assessors of said village shall have completed their assessment roll and valuation of the property, real and personal, in said village, it shall be their duty to give notice thereof by publishing in any newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when and place where they will meet to hear the objections of any persons interested to the valuation so made by them, the said assessors shall meet, and on the application of any person considering him or herself aggrieved, may review and reduce the said valuation on sufficient cause being shown upon oath, to the satisfaction of said assessors; and if any person or persons shall conceive himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors at any time within ten days thereafter to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce said valuation.

*Duty of assessors relative to assessments.*

Duty of  
common  
council rela-  
tive to taxes.

Sec. 23. It shall be the duty of the common council to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

Taxes col-  
lected; how  
disposed of.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal, to the treasurer of said village, at such time and under such regulations as shall be prescribed by the ordinances of the common council.

Power of  
council.

Sec. 25. The common council shall have power to appoint one or more street commissioners or other officers, to superintend and direct the making, paving, repairing and opening of all streets, lanes, alleys, side-walks, highways or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the common council shall cause the expenses of grading such streets, or making such side-walks, to be assessed on lots or premises adjoining such improvements, or by general assessment or otherwise, as they may direct.

Power of  
council re-  
lative to fire  
companies,  
&c.

Sec. 26. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with the proper engines and other instruments, as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty, in the management of one engine; and each fire, hose, and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council; and may impose and collect such fines for the non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to

## LAWS OF MICHIGAN.

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a company shall obtain from the recorder of said village, a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries and working a poll tax on the highways streets of said village; and it shall be the duty of every fire company to keep in good and perfect repair, the fire engine, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other implements with a view to their perfect order and repair.

Sec. 27. Upon the breaking out of any fire in said village, the marshall shall immediately repair to the place of such fire, and aid in assisting as well in extinguishing said fire as in preventing any goods from being stolen, and also, in removing and securing the same, and he shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

*Duty of  
marshall in  
case of fire.*

Sec. 28. This act shall be deemed a public act, and take effect from and after its passage.

Approved February 12, 1853.

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[ No. 65. ]

AN ACT to provide for the re-survey of the public highways in the township of White Pigeon, in the county of St. Joseph.

Sec. 1. *The People of the State of Michigan enact*, That it shall be the duty of the commissioners of highways of the township of White Pigeon, in the county of St. Joseph, to cause a re-survey of all public highways in said township to be made as near as may be ascertained on the original routes of said highways, and the minutes of such survey to be recorded in the township clerk's office of said township, together with all the records of said highways and every thing pertaining thereto.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 12, 1853.

[ No. 66. ]

AN ACT prohibiting the manufacture of intoxicating beverages and the traffic therein.

**Prohibition.** SECTION 1. *The People of the State of Michigan enact, That no person shall be allowed to manufacture or sell at any time, by himself, his clerk, servant or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors, a part of which is spirituous or intoxicating, except as hereinafter provided.*

**Township board, &c., to appoint agent; where to sell spirits.** Sec. 2. The township board of every organized township, or a majority of them, and the village board or common council of every incorporated city or village, on the first Monday of October annually, or as soon thereafter as may be convenient, may appoint some suitable person as the agent of said township, city or village, to sell at some central or convenient place within said township, city or village, spirits, wines, or other intoxicating liquors, to be used for mechanical and medicinal purposes, and no other. And said agent shall receive such compensation for his services, as the said board or legal authority appointing him shall prescribe, and shall, in the sale of such liquors, conform to such rules and regulations as the said township board, or a majority of them, or said village board or common council shall prescribe for that purpose. And such agent, appointed as aforesaid, shall hold his situation for one year, or until his successor be appointed, unless sooner removed by the authority from which he may have received his appointment: as he may be, at any time at the pleasure of said board or legal authority appointing him, as the case may be.

**Compensation of ag't.**

**Term of appointment.**

**Agent to give bond, &c., & form thereof.** Sec. 3. Such agent shall, before entering upon the duties of such agency, deliver to said township or village board, or common council, a bond, with two good and sufficient sureties, in substance as follows: "Know all men, that we,                      as principal, and                      as sureties, are holden and stand firmly bound to the inhabitants of the township of                      (or to the president and trustees of the village of                      , or to the mayor and alderman of the city of                      , as the case may be,) in the penal sum of                      dollars, to which payment we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals,

and dated this            day of            , A. D.            . The condition of his obligation is such, that whereas the above bounden            has been duly appointed an agent for the township, city or village of            , to sell within, and for, and on account of said township, (city, or village,) intoxicating liquors for medicinal and mechanical purposes, and no others, until the            day of            , A. D.            , unless sooner removed from such agency: Now if the said            shall in all respects conform to the provisions of the law relating to the business for which he is appointed, and to such rules and regulations as now are, or shall be, from time to time established by the board (or council) making the appointment, then this obligation to be void, otherwise to remain in full force." The boards of supervisors of the several counties, on the next Wednesday after the second Monday of October, annually, may authorize suitable persons, in writing, to manufacture alcohol for medicinal and manufacturing purposes, at suitable places within their counties, to be exported out of the State; and such authority given as aforesaid, shall continue for the space of one year from the date thereof, unless sooner revoked and annulled as hereinafter provided. Every person, so authorized, shall receive a certificate from the supervisors, giving him authority to manufacture alcohol, as aforesaid, for medicinal and mechanical purposes, at such place as shall be precisely designated; but no such authority shall be granted or renewed in any subsequent year, unless the electors of the town, city or village, in which the proposed location is situated, by a vote of two-thirds of those present at their next preceding annual election, shall request the board of supervisors to locate such manufactory within their bounds; and said certificate shall not be delivered by said board, until he shall have executed and delivered to said board a bond, with three good and sufficient sureties, in the sum of two thousand dollars, to be approved by said board, in substance as follows: "Know all men that we            , as principal, and            sureties, are held and firmly bound to the board of supervisors of the county of            , in the State of Michigan, and to their successors in office, in the penal sum of two thousand dollars, and assigns, which payment we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. Sealed with our seals, and dated this            day of            , in the year of our Lord

Manufacture  
of alcohol;  
now author-  
ized.

Authority.

Manufac-  
turers to  
give bond;  
and return  
thereof.

one thousand eight hundred and fifty . The condition of this obligation is such, that whereas, the above bounden , has been by the said board of supervisors duly authorized to manufacture alcohol in the of , in said county, for medicinal and manufacturing purposes, for exportation out of the State of Michigan, as provided in a law entitled an act prohibiting the manufacture of intoxicating beverages and the trafic therein: Now, therefore, if the above bounden , shall, in all respects, conform to the provisions of said act, and shall, in good faith, export out of the State the whole of the alcohol which he shall manufacture, as aforesaid, and shall not, under any pretext whatever, sell any of the same within the State, then this obligation to be null and void, otherwise to remain in full force and virtue." All penalties received for violations of the autho-

Penalties re-  
ceived for  
violation,  
&c., how  
disposed of.

ity given by the board of supervisors, as aforesaid, on said bonds, shall be apportioned by said board to the several town libraries. The several towns, cities, and villages in this State, may, at their annual elections, at twelve o'clock at noon, by a vote of two-thirds of the electors present, raise such sum of money as they may deem necessary to purchase alcohol and spirituous liquors, for medicinal and manufacturing purposes, and to pay the agent, who shall have a specific sum for his services; and it shall be the duty of the agent to keep an account of purchases and sales, which shall state the dates, names of purchasers, quantity and description of liquor, and for what purpose to be used as stated by the purchaser, which account shall, at all times, in ordinary business hours, be open to the inspection of the electors; and the said agent shall not sell any more or other liquors than are owned by the town, city, or village. If any person shall wilfully make false representations to procure liquor for the use of another person, he shall be subject to a penalty of five dollars.

Duties of  
agent.

Sec. 4. If any person by himself, clerk, servant, or agent shall at any time sell any spirituous or intoxicating liquors, or any mixed liquors, part of which are intoxicating, in violation of the provisions of this act, he shall forfeit and pay on the first conviction ten dollars and the costs of prosecution, and shall stand committed until the same be paid. On the second conviction under this act, he shall forfeit and pay twenty dollars and the costs of prosecution, and shall stand com-

Penalties for  
violation.

Moneys;  
how to be  
raised for  
the pur-  
chase of al-  
cohol, &c.

mitted until the same be paid. On the the third, and every subsequent conviction under this act, he shall pay twenty dollars and the costs of prosecution, and shall be imprisoned in the common jail of the county not less than three months nor more than six months, and in default of the payment of the fines and costs prescribed by this section, for the first and second convictions, the person or persons so convicted, shall not be entitled to the benefit of the provisions of chapter one hundred and forty-two of the revised statutes of eighteen hundred and forty-six, until he shall have been imprisoned two months; and in default of payment of fines and costs provided for the third and every subsequent conviction, he shall not be entitled to the benefit of the provisions of said chapter one hundred and forty-two of the revised statutes of eighteen hundred and forty-six, until he shall have been imprisoned four months. And if any clerk, servant, agent, or other person in the employment or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction, shall suffer the same penalty above prescribed.

Sec. 5. Any forfeiture or penalty arising under the above section <sup>Ibid.</sup> may be recovered by an action of debt before any justice of the peace, or judge of any municipal or police court, in the county where the offence was committed. And all moneys recovered for a violation of this section, or any other provision of this act, shall be paid <sup>Penalties; how appropriated.</sup> into the treasury of the township, city or village where the offence was committed, and shall be appropriated to the support of the township library in such township, city or village. And the prosecutor <sup>Prosecutor may be admitted as witness.</sup> may be admitted as a witness on the trial. And it shall be the duty of the common council of any city, the village board of any incorporated village, and the supervisor of any township, to commence an <sup>Duties of corporate authorities, &c.</sup> action according to law, in the name of the people of the State of Michigan, against any person guilty of a violation of any of the provisions of this act, on being informed of the same, and being furnished with the proof of the fact by the oath or affidavit of any creditable person, and any person resident in such township, city or village may institute a suit for any such penalty or forfeiture, in the name of the people of the State of Michigan, in the manner aforesaid.



**Appeals.** Sec. 6. If any person shall claim an appeal from a judgment so rendered against him by such judge or justice of the peace, on the trial of any such action, he shall first enter into a recognizance to the people of the State of Michigan, in the sum of one hundred dollars, with two good and sufficient sureties, in any case so appealed, to prosecute his appeal to effect in the proper court to which it is taken, and to pay all costs that may be awarded against him upon a final disposition of such suit; and before his appeal shall be allowed, he shall also in every case, give a bond, with two other good and sufficient sureties, satisfactory to the judge or justice who tried the case, running to the people of the State of Michigan, in the sum of two hundred dollars, that he will not, during the pendency of such appeal, violate any of the provisions of this act. And no recognizance or bond shall be taken in cases arising under this act, except by the justice or judge before whom the trial was had; and if the recognizance and bond mentioned in this section shall not be given within five days after the judgment, the appeal shall not be allowed, the defendants in the meantime to stand committed.

**Notification on breach of the conditions of bonds of agents, and proceedings thereon.**

Sec. 7. The common council of any city, the village board of any incorporated village, and the supervisor or any justice of the peace of any township, wherever complaint shall be made to them that a breach of the conditions of the bond given by the person appointed under this act, has been committed, shall notify the person complained of; and if, upon the hearing of the parties, it shall appear that any breach has been committed, they shall revoke and make void his appointment. And whenever a breach of any such bonds shall be made known to such common council, village board, or the supervisor, or any justice of the peace of such township, or shall in any manner come to their knowledge, they or some one of them shall, at the expense and for the benefit of such city, village or township, cause the bond to be put in suit in any court competent to try the same, and whenever a breach of any other bond or recognizance given to the people of this State, in pursuance of the provisions of this act, shall be made known to the prosecuting attorney or the board of supervisors, or any one of them, of the county where such bond or recognizance was given, they, or some one of them shall, at the expense and for the use of said county, cause such bond or recogni-

zance to be put in suit in any court competent to try the same, and all moneys recovered in any such suit shall be paid into the treasury of such county for the support of the poor therein.

Sec. 8. No person shall presume to be a manufacturer of any spir- Penalties for  
manufactur-  
ing.  
ituous or intoxicating liquors, or a seller thereof, without being duly appointed, on pain of forfeiting on the first conviction the sum of one hundred dollars and costs of prosecution; and in default of the payment thereof, the person so convicted shall be imprisoned sixty days in the common jail of the county; and on the second conviction, the person so convicted shall pay the sum of two hundred dollars and costs of prosecution, and in default of payment, shall be imprisoned four months in the common jail of the county; on the third and every subsequent conviction, the person so convicted shall pay the sum of two hundred dollars, and shall be imprisoned four months in the common jail of the county where the offence was committed; said penalties to be recovered before any court of competent jurisdiction, by indictment or by an action of debt, in the name of the people of the State of Michigan. And whenever a default shall be had of any recognizance arising under this act, *scire facias* may be issued return- Scire facias.  
able at the next term of a court of competent jurisdiction in the county, and the same shall not be continued, unless for good cause, satisfactory to the court.

Sec. 9. All cases arising under this act, whether by action or in- Appeals un-  
der this act  
to take pre-  
cedence, &c.  
dictment, which shall come before any court of record, on appeal or otherwise, shall take precedence in said court of all other business, except those criminal cases in which the parties are actually under arrest and awaiting a trial; and no *nolle prosequi* shall be entered without a statement in writing first placed on file by the prosecuting Nolle prose-  
qui.  
attorney and signed by him, showing reasons satisfactory to the court, for ordering the same to be entered; and no continuance shall be granted excepting where the applicant therefor shall show to the Continuan-  
ces.  
court by affidavit placed on file, that such continuance is required for the purposes of justice.

Sec. 10. If any three persons, legal voters in the township, city or village, where the complaint shall be made, shall, before any justice of the peace or judge of any municipal or police court, make complaint under oath or affidavit, that they have reason to believe, and

Search warrant in certain cases, and proceedings thereon.

Seizures.

do believe, that spirituous or intoxicating liquors are kept or deposited, and intended for sale by any person not authorized to sell the same in said township, city or village, under the provisions of this act, in any store, shop, warehouse or other building, or place in said township, city or village, said justice or judge shall issue his warrant of search, which warrant shall describe the place to be searched and the article or articles to be seized, to any sheriff, city marshal, or deputy, or to any constable, who shall proceed to search the premises described in said warrant, and if any spirituous or intoxicating liquors are found therein, he shall seize the same and convey them to some proper place of security, where he shall keep them until final action is had thereon. But no dwelling house in which, or in part of which, a shop is not kept, shall be searched, unless at least one of said complainants shall testify to some act of sale of intoxicating liquors therein, by the occupant thereof, or by his consent or permission, within one month before the time of making said complaint: *Provided*, Such warrant shall describe the place to be searched and the article to be seized. And the owner or keeper of liquors seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned to appear forthwith before the justice or judge by whose warrant the liquors were seized; and if he fails to appear, or unless he can show by positive proof that said liquors are of foreign production, that they have been imported under the laws of the United States, and in accordance therewith, that they are contained in the original package in which they were imported, and in quantities not less than the laws of the United States prescribe, or were at the time when seized legally held, and for lawful purposes, they shall be declared forfeited, and shall be destroyed by authority of the written order to that effect, of said justice or judge, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom they shall have been destroyed, in attesting the fact upon the back of the order by authority of which it was done; and the owner or keeper of such liquors, provided he shall have been duly summoned to appear, shall pay a fine of twenty dollars and costs, or stand committed for thirty days, if it shall appear that such liquors had by him been kept or deposited for the purpose of sale.

And if the owner or possessor of any liquors seized in pursuance of this section, shall set up a claim that they have been regularly imported under the laws of the United States, and that they are contained in the original packages, the Custom House certificate of importation, and proof of marks on the casks or packages, corresponding thereto, shall not be received as evidence that the liquors contained in said packages are those actually imported therein.

Sec. 11. If the owner, keeper or possessor of liquors seized under *ibid.* the provisions of this act be unknown to the officer seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages, as near as may be, for two weeks by posting up a written description of the same in at least five public places in the town, city or village where they were seized; and if such liquors are actually the property of any township, city or village in the State, and were so at the time of the seizure, purchased for sale by the agent of said township, city or village, for medicinal and mechanical purposes only, in pursuance of the provisions of this act, they may not be destroyed; but upon satisfactory proof of such ownership within said two weeks, before the justice or judge by whose authority said liquors were seized, said justice or judge shall deliver to the agent of said township, city or village an order for the same, directed to the officer having said liquors in custody, whereupon said officer shall deliver them to said agent, taking his receipt therefor upon the back of said order, which shall be returned to said justice or judge.

Sec. 12. Any person claiming any liquors seized as aforesaid, may appeal from the judgment of such judge or justice of the peace, to the circuit court of the county where the same was rendered; or if in the Upper Peninsula of this State, to the district court; but such judgment shall not be in any way affected by such appeal until the appellant shall give a bond in the sum of two hundred dollars, with two good and sufficient sureties, satisfactory to such judge or justice, to prosecute his appeal to effect, and to pay all costs which may be awarded against him; and on the giving of such bond, which shall run to the people of the State of Michigan, the said order or judgment of such judge or justice shall not be executed; provided such bond be delivered to and approved by said judge or justice within three days

Appeals under seizures.

from the time of making and entering such order or judgment ; and on such bond being so given and approved, such judge or justice shall within ten days thereafter make return to such circuit or district court of the proceedings had before him, with copies of such complaint, warrant and return thereto, of the claim put in, and of his judgment or order in the case, and shall in making such return conform to the provision of law relative to returns to be made on appeals from the judgment of a justice's court, so far as the same are applicable ; and the appellate court shall have the same power to compel such return as to compel the same in other cases of appeal ; and on such appeal being so taken, and the return made, such circuit or district court shall have full power to hear, try and determine the same, and all questions arising in the case, and to carry into effect this act as fully as such judge or justice originally could do in the same ; but nothing contained in this act shall be construed to prevent any chemist, artist or manufacturer, in whose art or trade they may be necessary, from keeping at his place of business such reasonable and proper quantity of distilled liquors as he may have occasion to use in his art or trade, but not for sale.

Duties of officers, &c., in certain cases.

Sec. 13. It shall be the duty of any mayor, alderman, supervisor, city marshal or deputy of his, or any sheriff, under or deputy sheriff or constable, if he shall see that any intoxicating liquors are kept or sold in any tent, shanty, hut or other place of any kind for selling refreshments or otherwise in any public place on or near the ground of any cattle show, agricultural exhibition, camp meeting or public occasion of any kind, to search such suspected place, and if such officer shall find upon the premises any intoxicating drink, he shall seize it and arrest the keeper or keepers of such place, and take them forthwith, or as soon as may be, before some justice of the peace, or judge of a municipal or police court, with the liquors so found and seized ; and upon proof that such liquors are intoxicating, that they were found in possession of the accused, in a tent, shanty or other place aforesaid, he or they shall be sentenced to imprisonment in the county jail for thirty days, and the liquors so seized shall be destroyed by order of said justice of the peace or judge.

**Sec. 14.** Any person arrested under the preceding section, and sentenced as aforesaid, may claim an appeal to said circuit or district court; but before his appeal shall be allowed, he shall give a bond in the sum of one hundred dollars, with two good and sufficient sureties, to be approved by such justice or judge, that he will prosecute his appeal in such circuit or district court to effect, and pay all costs which may be awarded against him. And thereupon the case shall be appealed, and a return made to the circuit or district court, as provided in section twelve of this act; and the appellate court shall have the like power to hear and determine the case.

Person arrested under preceding section may claim an appeal, &c.

**Sec. 15.** In all cases of appeal under this act, from the judgment of a justice or judge of any municipal or police court, to the circuit or district court, except when the proceeding is by action of debt, they shall be conducted in said court by the prosecuting attorney of the county; but no costs in such cases shall be remitted by the prosecuting attorney or the court. In any suit, indictment, or other proceeding against any person for a violation of any of the provisions of this act, other than of the first offense, it shall not be necessary to set forth particularly the record of a former conviction; but it shall be sufficient to allege briefly that such person has been convicted of a violation of the fourth section of this act, or as a common seller, as the case may be; and such allegation, in any civil or criminal process in any stage of the proceedings, before final judgment, may be amended without terms, and as matter of right.

Certain duties of prosecuting attorney under this act.

**Sec. 16.** All payment or compensations for liquors sold in violation of law, whether in money, labor, or other property, either real or personal, shall be held and considered to have been received in violation of law, and without consideration, and against law and equity; and all sales, transfers, and conveyances, mortgages, liens, attachments, pledges, and securities of every kind, which, either in whole or in part, shall have been for, on account of spirituous or intoxicating liquors so sold, shall be utterly null and void against all persons and in all cases, and no rights of any kind shall be acquired thereby; and in any action either at law or equity, touching such real or personal estate, the purchaser of such liquors may be a witness for either party; nor shall any action of any kind be had or maintained in any court in this State, for the recovery or possession of intoxica-

Payment or compensation for liquors sold under this act, rendered void.

ting or spirituous liquors not lawfully held by the plaintiff at the time of seizure, and in accordance with the provisions of this act, or for the value thereof: *Provided*, That nothing contained in this section shall apply to any debts contracted before this act takes effect.

Penalty on certain persons for wilful neglect under this act.

Sec. 17. If any person, whose duty it is to carry into effect any of the provisions of this act, shall wilfully neglect so to do, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as provided for by law.

This act submitted for approval &c., of electors on 3d Monday of June, 1853; publication and proceedings there-in.

Sec. 18. This act shall be submitted to the electors of this State for their approval or disapproval, on the third Monday of June, in the year of our Lord one thousand eight hundred and fifty-three, when there shall be an election held for that purpose in each of the townships, cities, and villages in this State; and it shall be the duty of the Secretary of State, immediately after the passage of this act, to transmit to the sheriff of each county in the State, a notice in writing, containing a brief statement of the contents of this act, and he shall cause a copy of this act to be published once in each week in the Lansing State Journal from the date of the notice until the election aforesaid; and the sheriff of the several counties, on receiving the notice hereby provided for, shall forthwith, in writing, notify the township clerk of each township, and one of the inspectors of election of each ward in any city or village, of such election; and it shall be the duty of the township clerks and inspectors of election of said wards receiving said notice, to give eight days notice in writing, or a printed, or partly written and partly printed notice, under their hands respectively, to the electors of the township or ward, of the time and place of holding such election, by posting the same up in at least three public places in the township or ward. The election provided for by this act shall be conducted in the same manner as by existing laws is provided for the holding of a general election, and the inspectors of said election are hereby invested with the same powers and authority as are provided by the election laws of this State for a general election.

Duties of inspectors of election.

Sec. 19. At said township, city, or village elections, a ballot box shall be kept by the several boards of inspectors thereof, for receiving the votes cast for or against said law; and on the ballots shall be written or printed, or partly written and partly printed, the words: "Adop-

tion of the law prohibiting the manufacture of intoxicating beverages and the traffic therein, Yes;" or the "Adoption of the law prohibiting the manufacture of intoxicating beverages, and the traffic therein, No."

Sec. 20. The canvass of the votes cast for the approval or disapproval of this law, "prohibiting the manufacture of intoxicating beverages and the traffic therein," and the returns thereof shall be made by the proper canvassing officers within the same time and in the same manner as now provided by law for the canvass and return of the votes cast at an election for Governor, as near as may be, and the returns thereof shall be made to the Secretary of State, Governor, and State Treasurer, within the time and in the manner provided by law for the election of Governor. And on the first Tuesday of August, eighteen hundred and fifty-three, the Auditor General, State Treasurer, and Secretary of State, shall meet at the Capitol, and proceed in the presence of the Governor to examine and canvass the returns of the said votes, and proclamation shall forthwith be made by the Governor of the result thereof; if it shall appear that a majority of the votes cast, have thereon, "Adoption of the law prohibiting the manufacture of intoxicating beverages and the traffic therein, Yes," this act shall become a law of the State, from and after the first day of December, eighteen hundred and fifty-three; but if a majority of the votes cast upon the question have thereon, "Adoption of the law prohibiting the manufacture of intoxicating beverages and the traffic therein, No," this act shall take effect and become a law of the State from and after the first day of March, eighteen hundred and seventy.

Sec. 21. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

All acts contravening, &c., repealed.

Approved Febrtary 12, 1853.

[ No. 67. ]

AN ACT to provide for the collection of taxes in the township of Lynn, in the county of St. Clair, for the year eighteen hundred and fifty-two, and to extend the time for the collection thereof.

SECTION 1. *The People of the State of Michigan enact*, That the tax roll for the township of Lynn, in the county of St. Clair, for the

Legality of tax roll.



year eighteen hundred and fifty-two, be and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the township treasurer, at the time prescribed by law.

Sec. 2. That the treasurer of said township file his bond as required by law, within five days after the reception of said roll, and before he proceeds to the collection of the taxes.

Time for  
collection of  
taxes ex-  
tended.

Sec. 3. That the time for the collection of said taxes be extended to the first day of June next, and that the said treasurer make return as provided by law in other cases, on or before the tenth day of June next.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 12, 1853.

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[ No. 68. ]

AN ACT relating to telegraph operators and others.

Penalty for  
wilfully di-  
vulging con-  
tents of pri-  
vate com-  
municat'ns.

SECTION 1. *The People of the State of Michigan enact*, That any person connected with any telegraph company in this State, either as clerk, operator, messenger, or in any other capacity, who shall wilfully divulge the contents, or the nature of the contents, of any private communication entrusted to him or her for transmission or delivery, or who shall wilfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the county jail or work house in the county where such conviction shall be had, for a term not more than three months, or shall pay a fine not to exceed five hundred dollars, in the discretion of the court.

Sec. 2. This act shall take effect immediately.

Approved February 12, 1853.

LAWS OF MICHIGAN.

116

[ No. 69. ]

AN ACT to organize the township of Auchville, in the county of Tuscola.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the county of Huron, designated in the United States survey, as townships fifteen and sixteen north of range nine east, and the islands and channels in front thereof, to the main entrance to Wild Fowl Bay, be and they are hereby set off from the said county and united with that part of Tuscola county, designated in the United States survey as township fifteen north of range eight east, and that such territory be and the same is hereby organized into a township by the name of Auchville, and annexed to Tuscola county, for judicial and representative purposes, until said Huron county shall be organized, when they shall be re-annexed to Huron county for all purposes whatsoever, and that the first township meeting shall be held at the house of Frederick Schilling.

Township  
of Auchville  
organized.

Annexed to  
Tuscola for  
certain pur-  
poses.

Sec. 2. This act shall take effect immediately.

Approved February 12, 1853.

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[ No. 70. ]

AN ACT to provide for the draining of a certain lake in the township of Springfield, Oakland county.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Springfield, Oakland county, may authorize the draining of a certain lake, known as Big Lake, in said township of Springfield: *Provided*, That the right of way be obtained, and all damages paid therefor, by persons interested in draining said lake.

Sec. 2. This act shall take immediate effect.

Approved February 12, 1853.

[ No. 71. ]

AN ACT authorizing the Auditor General to settle with and allow to the county of Kent certain moneys paid by said county on account of wolf bounties.

Enacted At-  
diths Gen-  
al relative to  
wolf boun-

SECTION 1. *The People of the State of Michigan enact, That the Auditor General is hereby authorized and required to pay to the county of Kent, or credit the same in his account with said county, such sums as he shall find due and heretofore allowed and paid by said county as the State bounty for the destruction of wolves, from the year eighteen hundred and forty-six to the year eighteen hundred and fifty-three: Provided, He shall first be satisfied that the same has been duly paid by said county: And provided further, there shall be no other legal objection than a neglect to make duplicate certificates of the bounties allowed at the several meetings of the county supervisors, and of having the same duly certified by the chairman and clerk of said several boards at each meeting thereof, and of forwarding the same to the Auditor General.*

Approved February 12, 1853.

[ No. 72. ]

AN ACT to amend section sixty-one of chapter fourteen of the revised statutes.

SECTION 1. *The People of the State of Michigan enact; That section sixty-one of chapter fourteen of the revised statutes be amended so that the same shall read as follows:*

"Sec. 61. The county clerk in each organized county shall be elected at the general election, for the term of two years, and shall give a bond to the people of the State, in the penal sum of two thousand dollars, to be approved by the circuit judge, for the faithful discharge of the duties of his office."

Approved February 12, 1853.

[ No. 73. ]

AN ACT to amend section two of an act entitled "an act to incorporate the Michigan Mining Company."

Section 1. *The People of the State of Michigan enact, That section two of an act entitled "An act to incorporate the Michigan Mining Company," be amended so that the same shall read as follows :* Sec. 2 of act No. 148 of 1848, amended.

"Sec. 2. The capital stock of said company shall consist of three hundred thousand dollars, and be divided into ten thousand shares, of thirty dollars each." Capital stock.

Approved February 12, 1853.

[ No. 74. ]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and fifty-three, in the city of Detroit, in the county of Wayne.

SECTION 1. *The People of the State of Michigan enact, That the time for the collection of taxes for the year eighteen hundred and fifty-three, in the city of Detroit, Wayne county, is hereby extended until the first Monday of March next.* Time extended.

Sec. 2. The collectors of the several wards are hereby authorized and empowered to proceed and collect said taxes, as fully as they could do during the life-time of their warrants, and make their returns at any time before the first Monday in March next. Duty of collectors.

Sec. 3. It shall be the duty of the collectors, before they shall be entitled to the benefits of this act, to pay over all moneys collected as provided by law, and to renew their official bonds to the satisfaction of the treasurer of Wayne county. Ibid. Renewal of bonds.

This act shall take effect immediately.

Approved February 12, 1853.

[ No. 75. ]

AN ACT to provide for the transfer of the records, files, books, papers and judgments in the county courts to the circuit courts.

SECTION 1. *The People of the State of Michigan enact, That from and after the passage of this act, all the records, files, books, papers, and judgments, being and remaining in the several late county courts,* Transfer of records, &c., in Co. courts to circuit courts.

Authority  
of circuit  
courts.

Executions;  
how issued.

shall be transferred to the several circuit courts of the counties where said records, files, books, papers and judgments now are; and from and after such transfer, the said records, files, books, judgments and papers, shall be deemed and considered to be a part of the records, files, books, papers and judgments of said circuit courts respectively, for all purposes; and the said circuit courts shall be fully authorized to issue execution upon said judgments and make all needful and proper orders and rules in reference thereto, and in reference to said records, files, books, papers and judgments, in as full and ample a manner, as if the same had always been and remained in said circuit courts. Such executions shall be issued on the application of the plaintiff, his agent or attorney, ten days notice being first given to the defendant, his agent or attorney, of the intention to apply for such execution, and requiring him to show cause, if any, why such execution should not issue.

This act shall take effect immediately.

Approved February 12, 1853.

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[ No. 76. ]

AN ACT to authorize the State Treasurer to receive from the General Government certain moneys arising from the sale of swamp lands, and to authorize the Commissioner of the State Land Office to take an assignment of all warrants received for any of the swamp lands sold in this State since the act of Congress, approved September twenty-eighth, eighteen hundred and fifty.

State Treas-  
urer autho-  
rized to re-  
ceive certain  
moneys for  
swamp  
lands.

Authority  
of Commis-  
sioner of  
State Land  
Office.

SECTION 1. *The People of the State of Michigan enact, That the* State Treasurer be and he is hereby authorized to receive from the General Government any moneys that may have been received, or that may hereafter be received for any of the swamp lands donated to this State, and that the Commissioner of the State Land Office be authorized to take an assignment of all bounty land warrants received for any swamp lands sold in this State since the act of Congress, approved September twenty-eighth, eighteen hundred and fifty, and to release the interest of the State in any lands sold or entered with said warrants to purchasers or their assigns.

Sec. 2. That in case any person, at the time of the passage of the act of Congress, granting to the State of Michigan the swamp lands in this State, was in actual possession of any of said lands, and had made improvements thereon, with the intention of securing a pre-emption right, by virtue of the laws of Congress, or in case of actual purchase of the United States, his heirs, or assigns, he shall be entitled to purchase said lands at the minimum price of \$1.25 per acre, within one year after this act takes effect: *Provided*, Satisfactory evidence of such possession, improvements and intention, be filed with the Commissioner of the State Land Office before said lands are offered for sale, or before said lands are sold to any other person: *And provided also*, That no person shall be entitled to claim by pre-emption right more than one hundred and sixty acres.

Rights of possession.

Pre-emption.]

Minimum price.

Proviso.

Limitation of claim.

Approved February 14, 1853.

[ No. 77. ]

AN ACT to amend section nine of an act entitled "an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon; and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," approved April first, eighteen hundred and forty-eight.

SECTION 1. *The People of the State of Michigan enact*, That section nine of an act entitled "an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," approved April first, eighteen hundred and forty-eight, be amended by adding after the word "issued," in the seventh line of said section, the following: "or at any time previous, at the option of the State, when the Auditor General shall cause a notice to be given in a daily paper published in the city of Detroit, to be published for eight weeks in succession, that the said bonds, or a portion of them, (describing them by amounts, dates and numbers,) will be redeemed where payable, and all interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the

Act No. 173 of 1848, amended.

first publication of said notice." Also, by striking out the words "and shall," in said seventh line, and inserting "said bonds;" so that said section as amended will read as follows :

Denomina-  
tion of  
bonds;  
when paya-  
ble, &c.

"Sec. 9. The stock to be issued under the provisions of the preceding section may be issued in bonds of one thousand dollars, as far as practicable; said new bonds shall be drawn payable, principal and interest, at such place in New York City as the Governor shall designate ; they shall be made redeemable respectively at the time fixed for the maturity of the original part paid bond, upon the surrender of which they are issued, or at any time previous, at the option of the State, when the Auditor General shall cause a notice to be given in a daily paper published in the city of Detroit, to be published for eight weeks in succession, that the said bonds or a portion of them, (describing them by amounts, dates and numbers,) will be redeemed where payable; and all interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice ; said bonds shall bear an interest of six per cent per annum, from the first day of January next after the surrender of said part paid bonds, and be payable semi-annually, on the first days of July and January thereafter, until the maturity of said bonds, or the redemption of the principal."

Duty of Au-  
ditor General.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 14, 1853.

[ No. 78. ]

### AN ACT making appropriations for the State Normal School

Certain mo-  
neys appro-  
priated to  
State nor-  
mal school  
endowment  
fund.

SECTION 1. *The People of the State of Michigan enact, That the moneys arising from the swamp lands heretofore sold by the general government, not exceeding thirty thousand dollars, are hereby appropriated to the State Normal School endowment fund.*

Transfer of  
general fund  
to normal  
school inte-  
rest fund.

Sec. 2. The State Treasurer shall annually, for the period of two years, transfer from the general fund to the Normal School interest fund, the sum of two thousand dollars; which sum is hereby appropriated to the Normal School interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.

Sec. 8. That the sum of three thousand dollars be and the same is hereby appropriated from the general fund to the Normal School interest fund ; which sum may be expended in the purchase of books and apparatus, and in fencing and improving the Normal School grounds. Appropriation does not imply expenditure.

Approved February 14, 1853.

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[ No. 79. ]

AN ACT to provide for an additional circuit court commissioner for the county of Wayne.

SECTION 1. *The People of the State of Michigan enact,* That the governor may appoint an additional circuit court commissioner for the county of Wayne, who shall hold his office until the first day of January, A. D. one thousand eight hundred and fifty-five, and shall be authorized and required to discharge all the legal duties of circuit court commissioner, and shall be liable to all the provisions of law touching said office. Authority of Governor to appoint an additional circuit court commissioner.

Sec. 2. There shall be elected at the general election to be held in the county of Wayne, in the year eighteen hundred and fifty-four, and every two years thereafter, two circuit court commissioners for said county, who shall enter upon the discharge of their official duties on the first day of January succeeding their election, and hold their offices two years, and be vested with judicial powers not exceeding those of a judge of the circuit court at chambers. Election of circuit court commissioners. Term. Powers.

Sec. 3. This act shall take effect immediately.

Approved February 14, 1853.

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[ No. 80. ]

AN ACT in aid of the Michigan Asylums.

SECTION 1. *The People of the State of Michigan enact,* That the sum of twenty-three thousand dollars be and the same is hereby appropriated out of the general fund. and the same shall be passed to the credit of the asylum fund on the books of the State Treasurer, and be reimbursed as hereinafter provided. Transfer of fund.



Appropriation, 1853 & 1854, how and for what purpose to be used.

Sec. 2. Ten thousand dollars in the year eighteen hundred and fifty-three, and ten thousand dollars thereof in the year eighteen hundred and fifty-four, may be used by the trustees of the Michigan Asylums, from time to time, as it shall become necessary in the construction of buildings for the asylum for the insane; and three thousand dollars for the asylum for the deaf and dumb and the blind, and for other necessary expenses attending the same, and shall be payable on warrants to be drawn by the clerk, and approved by the president of the board and countersigned by the Auditor General.

Duty of board.

Sec. 3. It shall be the duty of the board to adopt a plan for the building of said asylums on the sites selected, and to advertise for proposals for the building of such parts thereof, and furnishing the same, as can conveniently be built and furnished under the appropriations herein made, and with the sums donated, and to make contracts with such bidders as in the opinion of the board shall make proposals best conducive to the interests of the State, taking into consideration the responsibility of the contractor; and such contracts may be in such form and such sureties as the board may prescribe.

Ibid.

Sec. 4. The board shall deposit with the Auditor General such contracts, and file with him, at least once in every three months, an account and vouchers for the money drawn from the asylum fund under this appropriation; and the board is hereby prohibited from making any advance to any contractor, except upon proper estimates of the work done and materials furnished, and from drawing warrants exceeding seventy-five per cent of such estimates until the contract is completed and accepted to the satisfaction of the board.

Sec. 5. As fast as the proceeds of the sale of lands appropriated to the asylum fund, shall reach the sum of one thousand dollars, the same shall be paid to the credit of the general fund, until the amount herein appropriated shall be reimbursed thereby.

Authority of board to convey lands.

Sec. 6. Said board are hereby authorized to sell and to convey by deeds, to be executed by the president of the board, in such portions as they may deem for the best interests of the State, the ten acres donated for the site of the insane asylum at Kalamazoo, and to locate the same on the one hundred and sixty acres purchased therefor, which location is hereby confirmed as the site for said asylum: *Provi-*

1. The State shall not be liable for or pay any damages arising from said change or said sale, or giving said deeds.

Sec. 7. The terms of office of the trustees elected or to be elected the year eighteen hundred and fifty-three, shall be four years, and they shall hold until their successors are elected and qualified; and the Governor is authorized to appoint a trustee or trustees, to fill any vacancy which may occur when the Legislature is not in session, to hold until such vacancy shall be filled by the Legislature.

Elections, & terms of office.

Sec. 8. The Auditor General shall, in the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, at the same time when State taxes are apportioned by him among the several counties, apportion among the several counties in proportion to the valuation equalized by the State board of equalization, the sum of thirteen thousand dollars, for the year eighteen hundred and fifty-three, and ten thousand dollars for the year eighteen hundred and fifty-four, which several amounts, when apportioned, shall be collected and returned as other State taxes are required to be by law.

Duty of Auditor General relative to apportionments.

Sec. 2. This act shall take effect immediately.

Approved February 14, 1853.

[ No. 81. ]

AN ACT appropriating certain highway taxes for the improvement of roads in the counties of Eaton and Ionia.

SECTION 1. *The People of the State of Michigan enact*, That all the non-resident highway taxes which shall be assessed upon non-resident lands within one mile on each side of certain roads, viz: A road commencing on the east side of Sunfield, in Eaton county, being town four (4) north of range six west, known by the name of "Clinton road," thence upon said road westwardly through to the west line of the town of Odessa, in Ionia county, being town five north of range seven (7) west, be and the same is hereby appropriated for the improvement of such road aforesaid; also the road commencing and running north from the east commencing point of the above road, being the town line road between town five and six west, thence north to Lyons village, being in town seven (7) north, in Ionia coun-

Non-resident highway taxes appropriated for improvement of certain roads.

ty, with all the non-resident highway taxes which shall be assessed upon the lands one mile each side of said town line road, as above described, for the improvement of such roads aforesaid, for the period of five years from the passage of this act, to be expended as hereinafter provided.

How expended.

Commutation.

Sec. 2. That when any non-resident wishes to commute his road tax, hereinafter to be assessed, his labor shall be expended on said roads; and the special commissioners by the provisions of this act shall direct when, where, and how the labor shall be performed.

Special commissioners; their duties.

Sec. 3. That John Dow, of Eaton county, and George Richmond, for the road called the "Clinton road," and Chauncey Lott, for the town line, for the county of Ionia, be and are hereby appointed special commissioners to disburse the moneys aforesaid, in their respective counties, who shall have power to let or contract any job of work upon said road, first giving public notice thereof, by posting up notices at the most public places within the several townships through which said road passes. Such notices shall be posted up at least ten days before the time of letting such contracts, and shall state where the work is to be done and performed, the time limited for the performance, the time when and where the jobs will be let to the lowest bidder, who shall give bonds with one or more sufficient sureties, to the special commissioners, for the faithful performances of said contract.

Ibid.

Sec. 4. It shall be the duty of the special commissioners to make out a correct list of all the non-resident lands designated by the first section of this act, and file the same with the treasurers of their respective counties, wherein those lands are located; and it shall be the duty of the county treasurers to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to the special commissioners.

Ibid.

Sec. 5. It shall be the duty of the special commissioners to render to the board of Supervisors of each county, at their annual session, a true account of the application and disbursement of the money that they may have received each year.

Oaths and bonds of commissioners; where filed, &c.

Sec. 6. Before the said special commissioners shall enter upon the duties of their office, they shall take the oath prescribed by this State, and file the same with the clerks of their respective counties; and be-

they shall draw moneys from the county treasurers, they shall give a bond, with one or more sureties, in double the amount of the resident tax in this act appropriated, which bond shall be approved by the county treasurer, county register, and judge of probate, their respective counties, and which shall be filed with the clerks their respective counties.

Sec. 7. The special commissioners shall receive as a compensation services, one dollar per day when actually engaged in the business of such roads, which amount shall be audited and allowed by the board of supervisors of their respective counties, and paid out of a fund created by this act; and the said board of supervisors may require said special commissioners to certify their account by affidavit.

Sec. 8. In case the said special commissioners, or either of them, shall neglect or refuse to take and file the oath of office required by this act, within ninety days after the passage thereof, such neglect shall be deemed a vacancy; and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors, or a majority of them, of the counties of Eaton and Ionia, respectively; and any person so appointed shall take and file the oath and stand as aforesaid.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved February 14, 1853.

[ No. 82. ]

AN ACT to amend an act entitled "an act to amend section one hundred and seven of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, and the acts amendatory thereto, relative to primary schools," approved April seventh, eighteen hundred and fifty-one.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "an act to amend section one hundred and seven of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six and the acts amendatory thereto, relative to primary schools," approved April seventh, eighteen hundred and fifty-one, be and the same is hereby amended so as to read as follows :

Sec. 107 of  
chapter 58.  
R. S. of 1846  
amended.

Assessment  
of taxes;  
how appli-  
ed.

"Sec. 107. The supervisor shall also assess upon the taxable property of his township, one mill upon each dollar of the valuation thereof, in each year; and twenty-five dollars of the same shall be applied for the purchase of the books for the township library, and the remainder thereof shall be apportioned to the several districts in the township, for the support of schools therein; and the same shall be collected and returned in the same manner as provided in section one hundred and six of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six; and all school taxes returned for non-payment shall be collected in the same manner as State and county taxes."

Sec. 2. This act shall take effect immediately.

Approved February 14, 1853.

[ No. 83. ]

AN ACT to provide for the erection of a prison for the purposes of solitary confinement, and a house of correction for juvenile offenders, and making an appropriation therefor.

Convicts for  
life; build-  
ing to be  
erected for.

SECTION 1. *The People of the State of Michigan enact, That there shall be erected within the yard of the State prison a building in which shall be imprisoned all convicts sentenced to solitary confinement at hard labor for life.*

Duty of in-  
spectors of  
prison.

Sec. 2. It shall be the duty of the inspectors of the State prison to prescribe the plan of said building; which plan, when completed, shall be delivered to the agent, whereupon the agent shall proceed, under the direction of the inspectors, to erect said building.

Appropriation.

Sec. 3. There is hereby appropriated from the State treasury the sum of five thousand dollars for the erection of said building mentioned in section one of this act, and it shall be the duty of the Auditor General to draw his warrant upon the State Treasurer from time to time for such sums as the inspectors shall certify to be necessary to defray the accruing expenses for erecting such building.

Duty of Au-  
ditor Gen-  
eral.

Sec. 4. There may be used in the construction of said building, such convict labor as the inspectors may direct.

Convict la-  
bor.

Approved February 14, 1853.

[ No. 84. ]

**AN ACT** to provide for the discharge of certain duties required to be performed by circuit court commissioners.

**SECTION 1.** *The People of the State of Michigan enact,* That in all cases where, by the laws of this State, any duties are specially required to be performed by a circuit court commissioner of the proper county, if such circuit court commissioner be attorney, solicitor or counsel in such suit or matter, or be a party thereto, or otherwise interested or unable to act, or incapable of acting therein, such duties may be performed by a notary public of such county, being an attorney of the supreme court of this State; or if there be no such notary public in such county, then such duties may be performed by a circuit court commissioner of an adjoining county.

When notary may perform duties of circuit court commissioner.

**Sec. 2.** Before such notary public, or any circuit court commissioner of any adjoining county, shall perform any of the duties contemplated by the preceding section, he shall be satisfied by affidavit or other competent proof, that the circuit court commissioner of the proper county is attorney, solicitor or counsel in such suit or matter, or is a party thereto, or otherwise interested, or unable to act, or incapable of acting therein; and such proof shall in all cases accompany the acts and form a part of the proceedings of such officer.

Ibid.

This act shall take effect immediately.

Approved February 14, 1853.

[ No. 85. ]

**AN ACT** to authorize the county of Saginaw to loan its bonds to aid in the construction of a plank road.

**SECTION 1.** *The People of the State of Michigan enact,* That the board of supervisors of the county of Saginaw, at their next meeting after the passage of this act, shall submit to the voters of said county the question whether said county shall loan bonds under the provisions of this act; and said board shall prescribe the mode of making such submission, and also the manner of ascertaining the result of such vote; and if a majority of the voters of said county voting on said question shall vote in favor of such loan, said board shall, at the

Duty of board of supervisors relative to bonds.

first meeting thereafter, or at any other meeting thereof, issue the bonds of said county, under the regulations contained in this act, to aid the Saginaw and Bad River Plank Road Company in the construction of a plank road.

Bonds; how issued, &c.

Sec. 2. Such bonds shall be signed by the chairman and clerk of said board, and may be issued to an amount not exceeding fifteen thousand dollars, in sums not less than one hundred dollars each, payable with yearly interest not exceeding ten per cent. per annum, to the order of said company, not less than ten nor more than fifteen years after the date of issuing the same.

Certain duties of company.

Sec. 3. Before such bonds shall be issued, said company shall build and complete one-half of said plank road; then said bonds, to the amount of half the amount so voted by the voters, shall be issued to said plank road company, and the balance shall be issued as soon as said plank road shall be completed, and shall record a survey of the route intended to be occupied for such, as required by an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, and shall file with the clerk of said county a certificate thereof, and that all the capital stock of such company has been subscribed in good faith, and the officers thereof elected; which said certificate shall be verified by the affidavit of some officer of such company.

Stockholders required to give bonds.

Sec. 4. Before any such bond shall be issued, in addition to the requirements of the foregoing section, it shall be necessary for the stockholders holding at least a majority of all the capital stock of said company, to make, execute, and deliver to the board of supervisors of said county, to be filed and kept in the office of the treasurer thereof, a bond in the following form: "Know all men by these presents, that we, the undersigned, stockholders in the Saginaw and Bad River Plank Road Company, are held and firmly bound unto the county of Saginaw in the penal sum of thirty thousand dollars, to the payment of which to said county we jointly bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated, &c. The condition of this obligation is such that if the Saginaw and Bad River Plank Road Company shall construct and complete a plank road on the entire route, the survey of which has been acknowledged and recorded in the office of regis-

Form of bond.

Condition.

ter of deeds for said county, and in the construction thereof, shall comply fully with all the provisions of the act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and the acts amendatory thereto, and shall, within three years, file with the county clerk of said county the affidavit of the president of said company, that such road is completed in accordance with said law, and shall pay into the treasury of said county such proportion of the nett proceeds of said road as the amount of such bonds of said county shall be of the entire cost of said road until the full amount of such bonds shall be paid, and shall, in the mean time, economically manage the said road and the finances of said company, then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue. Signed, sealed, and delivered in presence of."

Sec. 5. Said bond shall be subject to the inspection, in the presence of the treasurer, of any person or persons, who shall be at liberty to take copies thereof; but such bond shall not be taken from the office of such treasurer for any purpose whatever until the same shall be paid, or canceled by proper authority.

Bond subject to inspection.

Sec. 6. On the presentation to such board of supervisors of the bond required by section four of this act, the chairman and clerk of said board shall immediately prepare and deliver to the president of said company the bonds of said county to the amount of fifteen thousand dollars, payable as hereinbefore required, said voters having voted to issue the same in the manner required by the preceding provisions.

Bond to be delivered to president.

Sec. 7. Whenever said company shall have paid in the treasury of said county the full amount of such bonds, issued by such board of supervisors, they shall, by an order to be entered in their records, discharge said company from all liability on the bond executed by the stockholders thereof, and indemnify such company against all cost, trouble and liability, to any holder or holders of the bonds of said county.

Indemnification.

Sec. 8. If the bond issued to said county shall at any time be forfeited, it shall be the duty of the said board of supervisors to direct and cause the same to be prosecuted, to recover all damages such county shall suffer by reason of any default of such company to

Duty of supervisors in case of forfeiture of bond.



perform the condition thereof; and such company shall be deemed to be liable on such bond in the same manner and to the same extent as if the same had been made under the corporate seal thereof; *Provided*, That nothing in this section shall be construed to affect the individual liability of the stockholders of said company signing such bond.

Approved February 14, 1853.

[ No. 86. ]

AN ACT to provide for assessing property at its true value, and for levying and collecting taxes thereon.

*All property liable not exempted.*

SECTION 1. *The People of the State of Michigan enact*, That all property, real and personal, within this State, not expressly exempted therefrom, shall be subject to taxation in the manner provided by law.

*Real estate*

Sec. 2. Real estate shall, for the purpose of taxation, be construed to include all lands within the State, and all buildings and fixtures thereon, except in cases otherwise expressly provided by law.

*Personal estate.*

Sec. 3. Personal estate shall, for the purposes of taxation, be construed to include all goods, chattels, moneys, credits, and effects, wheresoever they may be; all ships, boats and vessels belonging to inhabitants of this State, whether at home or abroad, and all capital invested therein; all moneys at interest, either within or without this State, due the person to be taxed more than he pays interest for, and all other debts due such persons more than their indebtedness; all public stock and securities, all stock in turnpikes, railroads, canals, and other corporations out of the State, owned by inhabitants of this State; all personal estate of moneyed corporations, whether the owner thereof reside in or out of the State, and the income of any annuity, unless the capital of such annuity be taxed within this State.

*Corporate property.*

Sec. 4. All property of private corporations, except in the cases where some other provision is made by law, shall be assessed in the name of the corporation, in the township or ward where the same shall be situated; and in collecting the same, all the personal property of such corporation shall be liable to be seized wherever the same

may be found in the county, and sold in the same manner as the property of individuals may be sold for taxes.

**Sec. 5.** The following property shall be exempt from taxation, Property exempt from taxation.  
**viz:**

1. Household furniture, including stoves put up and kept for use in any dwelling house, not exceeding in value two hundred dollars:

2. All spinning wheels and weaving looms, and apparatus, not exceeding in value fifty dollars:

3. All arms and accoutrements required by law to be kept by any person; all wearing apparel of every person or family:

4. The library and school books of every individual and family, not exceeding in value one hundred and fifty dollars, and all family pictures:

5. To each householder, ten sheep with their fleeces, and the yarn and cloth manufactured from the same; two cows; five swine; and provisions and fuel for the comfortable subsistence of such householder and family for six months:

6. All the property of the United States, and of this State, except lands bid off for the State at tax sales, except as hereinafter provided:

7. All public or corporate property of the several counties, cities, villages, townships and school districts in this State, used or intended for corporate purposes:

8. The personal property of all library, benevolent, charitable and scientific institutions, incorporated within this State; and such real estate belonging to such institutions as shall actually be occupied by them, for the purposes for which they were incorporated:

9. All houses of public worship, with the pews or slips and furniture therein, and rights of burial and tombs, while in use as repositories of the dead:

10. The estates of Indians, except lands held by them by purchase, and the personal estates of persons who, by reason of infirmity, age and poverty, may, in the opinion of the supervisor, be unable to contribute towards the public charges.

**Sec. 6.** When a tenant paying rent for real estate, shall be taxed therefor, he may retain out of his rent, the taxes paid by him for the same, unless there be an agreement to the contrary. Taxes paid by tenant.

Personal estate, when assessed.

Sec. 7. All personal estate within this State, except in the cases where other provision is made by the third and eighth sections of this chapter, shall be assessed to the owner in the township where he shall be an inhabitant on the second Monday of April, and all resident real estate, to the person occupying it on that day, unless the same shall be given in by some other person for assessment to him.

Cases excepted.

Sec. 8. The excepted cases referred to in the preceding section, and not included in said section three, are the following:

1. All goods, wares and merchandize, or stock in trade, including stock employed in the business of the mechanic arts, in any township other than where the owner resides, shall be taxed in the township where the same may be, if the owner hire or occupy a store, shop, or warehouse therein, and shall not be taxable where the owner resides:

2. All horses, mules, neat cattle, sheep and swine kept throughout the year in any township other than where the owner resides, shall be assessed to such owner in the township where they are kept:

3. All personal property belonging to minors under guardianship, shall be assessed to the guardian in the township where he is an inhabitant, and the personal property of every other person under guardianship, shall be assessed to the guardian in the township of which the ward is an inhabitant:

4. All personal property held in trust by any executor, administrator or trustee, the income of which is to be paid to any married woman or other person, shall be assessed to the husband of such married woman, or to such other person, in the township of which he is an inhabitant; but if such married woman or other person reside out of this State, the same shall be assessed to such executor, administrator or trustee, in the township where he resides:

5. Personal property placed in the hands of any corporation, as an accumulating fund for the future benefit of heirs or other persons, shall be assessed to the persons for whose benefit the same is accumulating, if within this State; otherwise to the person so placing it, or his executors or administrators, until a trustee shall be appointed to take charge of such property, or of the income thereof:

6. The personal estate of persons deceased, which shall be in the hands of executors or administrators, shall be assessed to the executors or administrators in the township where the deceased last dwelt, until they shall give notice to the supervisor that the estate has been distributed and paid over to the parties interested:

7. All property held by any religious society as a ministerial fund, shall be assessed to the treasurer of such society; and if such property consists of real estate, it shall be taxed in the township where such property lies; if it consists of personal property, it shall be taxed in the township where such society usually holds its meetings.

Sec. 9. When personal property is mortgaged or pledged, it shall, for the purpose of taxation, be deemed the property of the person who has possession thereof. Person's property mortgaged, &c.

Sec. 10. The undivided real estate of any deceased person, may be assessed to the heirs or devisees of such person, unless occupied by some other person to whom it may be assessed, without designating them by name, until they shall have given notice to the supervisor of the division of such estate, and the names of the several heirs and devisees; and each heir and devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs and devisees, their respective portions thereof, when paid by him. Undivided real estate of deceased persons.

Sec. 11. Any person holding a certificate of purchase of university or primary school lands, or occupying the same, shall be liable to be assessed therefor as if he were the actual owner thereof: *Provided however*, That the same shall be assessed as personal property, and not as real estate, and the tax thereon, shall be collected in the manner hereinafter prescribed. University and school lands.

Sec. 12. Partners in mercantile or other business, whether residing in the same or different townships, may be jointly taxed under the partnership name, in the township where their business is carried on, for all the personal property employed in such business; and if they have places of business in two or more townships, they shall be taxed in those townships for the proportion of property employed in such townships respectively; and in case of being so jointly taxed, each partner shall be liable for the whole tax. Partners, how taxed.

Meaning of  
certain terms  
used in this  
act.

Sec. 13. The term "money" or "moneys," whenever used in this act, shall be held to mean gold and silver coin, and bank notes, and every deposit, which any person owning the same, or holding in trust, and residing in this State, is entitled to withdraw in money on demand. The term "credits," whenever used in this act, shall be held to mean and include every claim and demand for money, or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands secured by deed or mortgage, due or to become due. The terms "parcel of real property" and "parcel of land," whenever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by or recorded as the property of the same claimants, person or company. Every word importing the singular number only, may extend to and embrace the plural number; and every word importing the plural number may be applied and limited to the singular number; and every word importing the masculine gender only, may be extended and applied to females as well as males. Whenever the word "oath" is used in this act, it may be held to mean "affirmation," and the word "swear," in this act, may be held to mean "affirm." The term "cash value," whenever used in this act, shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of assessment; and if there be no usual selling price known to the person whose duty it shall be to fix the value thereon, it shall be held to mean the price at which such property shall be appraised in payment of a just debt due from a solvent debtor, or such price as the property assessed may in the preceding year have been sold for.

Sworn state-  
ment to be  
delivered to  
supervisor.

Sec. 14. Every person of full age and sound mind, and every firm, body politic or corporate, shall, when called upon as hereinafter provided, forthwith deliver to the supervisor of the township in which he resides, a statement on oath, (which oath the supervisor is hereby authorized to administer,) in which is distinctly and truly set forth a correct description of all the real estate and personal property not by this act exempt from taxation, and not by the laws of this State subject to a specific tax, of which he or it is the owner, or the holder as guardian, parent, husband or trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; and also, all moneys and credits owned or held as aforesaid.

**Sec. 15.** Every person required by this act to make or deliver such statement, shall therein set forth an account of the property held or owned by him, as follows : Contents of statement.

1. An accurate description of each parcel of land, with the number of acres improved thereon, and the number and kinds of buildings thereon :

2. The number of neat cattle :

3. The number of horses :

4. The number of sheep :

5. The number of hogs :

6. Every wagon and carriage :

7. Every gold or silver watch :

8. The number of bushels of grain and the quantity of all other farm produce in the possession of the producer :

9. All merchandize not included in the eighth subdivision of this section :

10. Every musical instrument of the value of twenty-five dollars and upwards :

11. All moneys and all credits :

12. All other personal property held or owned by him :

13. The amount of moneys upon which he pays interest :

14. The amount of all other bona fide indebtedness.

**Sec. 16.** Such statement shall be subscribed by the person making the same, and verified on oath as hereinafter provided ; and if the property therein described by him, is held by him for any other person, he shall state therein for whom or in what capacity he holds the same, and who is the owner thereof. Statement to be signed and sworn to.

**Sec. 17.** No person shall be required to include in such statement any share or portion of the capital stock of any company or corporation, which company or corporation is by law exempt from taxation, or by law required to pay a specific tax in lieu of all other taxes on such share or portion of capital stock, or whose corporate property is subject to assessment under the provisions of section four of this act. Property paying specific taxes need not be included in list.

**Sec. 18.** It shall be the duty of each supervisor, on or before the third Monday in April, to furnish to each taxable inhabitant in his township a blank form for the statements required by the fifteenth Supervisor to furnish blank forms.

section of this act, by leaving the same at his residence or usual place of business, to which form a notice shall be annexed, requiring said taxable inhabitant, within one week from the third Monday in April, aforesaid, to set down opposite the appropriate descriptions in said form, the quantity of taxable property in his possession; after the expiration of which time, and previous to the third Monday in May, it shall be the duty of the supervisor to call upon each taxable inhabitant in his township, when said statements shall be produced and sworn to, if not previously sworn to before some person competent to administer oaths, as required by section fourteen of this act; and immediately thereafter the supervisor shall proceed to examine said property, and estimate and set down the true value thereof, deducting from the amount of moneys at interest, and other credits of such inhabitant, the amount of money upon which he pays interest, together with his other bona fide indebtedness, as set forth in said statement.

When supervisor to call for statement; his duty on delivery of same.

Sec. 19. In every case when any person shall neglect or refuse to make out on oath, as required by this act, a statement of his real and personal property, money and credits, or to exhibit the same to the supervisor, he shall forfeit and pay to the township the sum of twenty-five dollars; and the supervisor shall forthwith proceed to make a statement of the property owned or held, as hereinbefore provided, by the person so refusing; and for that purpose he is authorized to examine on oath any person whom he may believe has knowledge of the amount or value of such property, money or credits, and to assess the same at its true cash value.

Penalty for neglect to make out sworn statement.

In case of neglect supervisor shall make statement, &c.

Sec. 20. On the Saturday next preceding the fourth Monday in May, it shall be the duty of the supervisors of the several townships to be present at their respective offices, from 8 o'clock A. M., until 12 M., and from 1 to 5 o'clock, P. M., for the purpose of reviewing their assessments; and on the request of any person considering himself aggrieved, on sufficient cause being shown, by evidence, to the satisfaction of the supervisor, he may alter the same as to the valuation of the personal property thereof.

When assessment to be reviewed and completed.

May alter valuation as to personal property.

Contents of assessment roll.

Sec. 21. The assessment roll shall contain the names of the resident persons liable to be taxed; a full description of the real estate of such persons; the number of acres in each tract or parcel, as

near as the same can be ascertained; the estimated value of each tract or parcel, and the aggregate valuation of the personal estate of each person liable to be taxed, as appears from the statements in the possession of the supervisor.

Sec. 22. For the purposes mentioned in the preceding sections of this act, the Auditor General shall, before the first Monday in April, in each year, prepare and transmit suitable blanks to the several county treasurers, who shall, before the second Monday in April, supply all the supervisors in their several counties with the same.

Aud. General to furnish blank forms to county treasurers.

Sec. 23. The description of real estate shall be as follows:

Real estate, how described.

1. If the land to be assessed be an entire section, it shall be described by the number of the section, township and range:

2. If the tract be a sub-division of a section, authorized by the United States for the sale of the public lands, it shall be described by a designation of such sub-division, with the number of the section, township and range:

3. If the tract be less or other than such sub-division, it shall be described by a designation of the number of the lot or tract, or of other lands by which it is bounded:

4. In case of lands surveyed or laid out as a town or village, and a plat thereof recorded in the register's office of the county, if the tract to be assessed be a whole lot or block, it shall be described by a designation of the numbers thereof; if it be a part of a lot or block, it shall be described by its boundaries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity of such lands in the assessment roll. When any lands have been, or hereafter shall be laid out as a town or village, or as an addition to any town or village, and the same has not been duly recorded in the register's office of the county, and any one or more of the lots have been, or may be sold by the number thereof, according to the plat of said town or village, or addition thereto, such lands, laid out as aforesaid, may, in the discretion of the supervisor, be assessed in whole or in part according to the sub-divisions as represented on the plat of such town or village, and if such sub-division or parcel be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, such part shall be defined, or it shall be described by its bounda-

Description of village property.



ries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity or contents of such lands in the assessment roll.

5. If the lands to be assessed be a tract of which the sub-division cannot be ascertained by the supervisor, they shall enter on the roll the boundaries thereof:

Undivided  
shares.

6. Undivided shares or interests in lands, shall be assessed to the owners thereof, if such ownership is known to the supervisor, and no tract in the same section, originally entered as one parcel, shall be sub-divided in assessing, unless the fact of a sub-division, having been made by the owner or owners, shall be known to the supervisor:

7. It shall be sufficient to describe lands to be assessed or sold for taxes, in the manner heretofore in use, by initial letters, abbreviations and figures.

Nonresident  
lands.

Sec. 24. All lands unoccupied, and not claimed to be owned by any resident of the township where they are situated, and not exempt from taxation, shall be assessed as non-resident lands, and shall be entered on a part of the roll separate from that upon which the estates of residents are entered. When a person is assessed as trustee, guardian, executor or administrator, a designation of his representative character shall be added to his name, and such assessment shall be entered on a separate line from his individual assessment.

Property  
held in trust  
&c.;

Certificate  
to be attach-  
ed to roll.

Sec. 25. When the supervisor has reviewed and completed the assessment roll, he shall attach a certificate thereto, signed by him, in the following form:

"I do hereby certify that I have set down in the above assessment roll all the real estate in the township of \_\_\_\_\_ liable to be taxed, according to my best information, and that I have estimated the same at what I believe to be the true cash value thereof; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that I have estimated the same at its true cash value, according to my best information and belief."

Clerk of  
township to  
deliver state-  
ment of mon-  
ey for town-  
ship purpo-  
ses.

Sec. 26. The township clerk of each township, shall, on or before the second Monday of October in each year, deliver to the supervisor of his township, a statement of the money to be raised therein for township purposes, and the amount voted for the maintenance and

support of common schools, and the township library, stating the amount of each, as well as the aggregate amount. The board of supervisors of each county, shall, at their session in October in each year, examine the assessment rolls of the several townships, and ascertain whether the relative valuation of the real estate in the respective townships has been equally and uniformly estimated.

Board of supervisors to examine assessment rolls.

Sec. 27. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same, by adding to or deducting from the valuation of the real estate in the township or townships, such an amount, as in their judgment, will produce relatively an equal and uniform valuation of the real estate in the county, and the amount added to or deducted from the valuation in each township, shall be entered upon their records.

How assessment equalized.

Sec. 28. The board of supervisors shall also make such alterations in the description of any lands upon such rolls, as may be necessary to render such description conformable to the requirements of this act.

Alterations of descriptions.

Sec. 29. After the assessments shall have been equalized, and the descriptions corrected, as provided in the two last preceding sections, a certificate, signed by the chairman of the board, shall be made upon or appended to the roll of each township, in the following form, to wit: "I do hereby certify that the board of supervisors have equalized and corrected the within roll, by adding to or deducting from the valuation of the real estate made by the supervisor therein, or without adding to or deducting from the valuation of the real estate, made by the supervisor as the case may be, and have determined the aggregate value of the taxable real and personal property in the township of——, to be ——dollars, and ——cents, for the year eighteen hundred and——;" which assessment roll, thus certified, shall be delivered to the supervisor of the proper township, who shall file and keep the same in his office.

Corrected roll to be certified and delivered to supervisor.

Sec. 30. The board of supervisors, at the time of equalizing the assessments, shall cause to be entered on their records, the aggregate valuation of the taxable real and personal property of each township in their county, as determined by them; from which record, the clerk of the board shall, within ten days after their annual meeting, in each year when the State Board of Equalization shall meet, make

Aggregate valuation to be recorded; when transmitted to Aud. General.

and transmit to the Auditor General, by mail, or otherwise, a statement of the aggregate valuation of the taxable real and personal property of the county, including the aggregate valuation of property in each township.

*Manner of Assessing Taxes.*

Aud. Gener.  
al to appor-  
tion State  
tax.

Sec. 30. The Auditor General shall apportion the state tax among the several counties, in proportion to the valuation of taxable property therein, and shall, before the October session of the boards of supervisors, make out and transmit to the clerks of the several boards, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionments to the counties respectively.

Apportion-  
ment of tax  
by board of  
supervisors.

Sec. 31. The board of supervisors shall, at their annual session in October, in each year, ascertain and determine the amount of money to be raised by tax for county purposes, and apportion such amount, and also the amount of state tax required to be raised, among the several townships in the county, in proportion to the valuation of the taxable property therein for the year, as equalized by the board, which determination and apportionment shall be entered at large on their records.

Certificate  
of appor-  
tionment to  
be made by  
clerk, &c.

Sec. 32. The clerk of the board of supervisors shall, immediately after such apportionment, make out two certificates of the amount apportioned to be assessed upon the property of each township, for state and county purposes, one of which he shall deliver to the county treasurer, and the other to the supervisor of the township, and the county treasurer shall charge the amount specified in each certificate to the proper township.

How taxes  
assessed by  
supervisor.

Sec. 33. The supervisor of each township shall proceed to assess taxes for the amount specified in such certificate, together with a tax for the amount of money to be raised by his township, adding thereto, and to all other taxes required by law to be assessed by him, not more than four nor less than two per cent. for collecting expenses, upon the taxable property in the township, according, and in proportion to the individual and particular estimate and valuation, as specified in the assessment roll of the township for the year.

Sec. 34. The supervisor of each township, on or before the twenty-fifth day of October, in each year, shall notify the township treasurer of the amount of state and county tax apportioned to his township; and such treasurer, on or before the fifth day of November, shall give to the county treasurer and his successors in office, a bond in double the amount of such state and county taxes, with good and sufficient sureties, to be approved by the supervisor of the township, or the county treasurer, conditioned that he shall duly and faithfully perform the duties of his office, and shall deliver the same to the county treasurer.

Notice to  
treasurer;  
his bond,  
&c.

Sec. 35. The county treasurer shall file and safely keep such bond in his office; and on the receipt thereof, he shall give to the township treasurer a receipt, stating that he has received the bond required by the preceding section, which receipt the township treasurer shall deliver to the supervisor on or before the tenth day of November.

County trea-  
surer to file  
bond & give  
receipt.

Sec. 36. The supervisor, after the delivery of such receipt, and on or before the fifteenth day of November, shall deliver to the township treasurer a copy of the corrected assessment roll of his township, with the taxes for the year annexed to each valuation, and carried out in the last column thereof; the school, library, and school house taxes in one column, the highway taxes in another, and the township, county, and state taxes in another column; and if other taxes are at any time required by law, they shall be placed in another column, and the warrant for their collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the township and county treasuries respectively. Before the supervisor shall deliver such assessment roll and tax list to the township treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the township clerk of his township a statement thereof; and such township clerk shall immediately charge the amount of such taxes to the township treasurer.

When sup'r-  
visor to de-  
liver assess-  
ment roll to  
treasurer.

Sec. 37. To such assessment roll and tax list, a warrant under the hand of the supervisor shall be annexed, commanding such treasurer to collect from the several persons named in said roll, the several sums mentioned in the last column of such roll opposite their respective names, and to retain in his hands the amount receivable by law

Warrant.

into the township treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for state and county purposes, on or before the first day of February then next; and the said warrant shall authorize the treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons.

When taxes  
to be a lien  
on real es-  
tate.

Sec. 38. The taxes assessed upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a lien on said real estate from the first day of November of the year in which such real estate was assessed.

*Of the Collection and Return of Taxes.*

Township  
treasurer to  
collect tax-  
es.

Sec. 39. Every township treasurer, upon receiving the tax list and warrant, shall proceed to collect the taxes therein mentioned, and for that purpose shall call at least once upon the person taxed, if a resident or at the place of his usual residence in the township, and shall demand payment of the taxes charged to him on such list.

Proceedings  
in case of re-  
fusal.

Sec. 40. In case any person shall refuse or neglect to pay the tax imposed on him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person, or of any goods and chattels in his possession, wherever the same may be found within his township; and no claim of property to be made thereto by any other person, shall be available to prevent a sale.

Notice of  
sale.

Sec. 41. The treasurer shall give public notice of the time and place of sale, and of the property to be sold, at least ten days previous to the sale, by advertisement to be posted up in three public places in the township where such sale shall be made; and the sale shall be by public auction.

Proceedings  
if property  
not sold.

Sec. 42. If the property so distrained cannot be sold for want of bidders, the treasurer shall return a statement of the fact, and if the tax be assessed on real estate, such real estate shall be returned in the same manner as if the same were non-resident lands.

Surplus:  
how dispo-  
sed of.

Sec. 43. If the property distrained shall be sold for more than the amount of tax and collection fees, the surplus shall be returned to the person in whose possession said property was when the distress was made, if no claim be made to such surplus by any other person in writing; but if any other person shall in writing claim such surplus,

on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the property was sold, the surplus shall be paid to such owner ; but if such claim be denied by the person for whose tax the property was distrained, such surplus shall be deposited in the township treasury, until the rights of the parties shall be determined by law.

Sec. 44. In case any person upon whom any tax may be assessed in any township for personal estate, shall have removed out of such township after the assessment, and before such tax ought by law to be collected, it shall be lawful for the treasurer of such township to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

*In case of removal property may be taken in any part of county.*

Sec. 45. Whenever any township treasurer shall not be able to collect any tax on personal property, on account of the absence of the person so taxed, or for any other cause, the county treasurer, if required, shall issue a new warrant to the treasurer of the township for such tax, and it shall be the duty of the township treasurer to renew his office bond ; and thereupon the said warrant shall be and remain in force for the purposes of such collection until the next annual meeting of the board of supervisors, unless the tax is sooner collected ; and the said township treasurer shall charge ten per cent interest on all such taxes from the first day of February until the day of collection : *Provided*, Said bond shall not be renewed unless the tax uncollected shall exceed five dollars.

*Proceedings when tax on personal property cannot be collected.*

Sec. 46. Whenever any tax which shall have been or which may hereafter be assessed on personal property in this State, shall be returned by any township treasurer for non-payment, under the provisions of the act, it shall be lawful for the treasurer of the township from which any such tax is so returned, in the name of such township, to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts to enforce the payment of any such tax.

*Ibid.*

Sec. 47. Executions issued upon judgments rendered for any such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by township super-

*Ibid.*

visors, and the proceedings of an officer with any such execution shall be the same in all other respects as are now directed by law.

Ibid.

Sec. 48. The production of any assessment roll on the trial of any action brought for the recovery of a tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed, of the township named as the plaintiff in such action, be read, or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be prima facie evidence of the legality and regularity of the assessment of the same; and the court before whom the cause may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Treasurer may receive tax on part of lot, or undivided share, &c.

Sec. 49. Such township treasurer shall receive the tax, or any one of the several taxes, on a part of any lot or parcel of land, or on any undivided share or other interest therein, which the tax payer will clearly define; and if the tax on the remainder of such lot or parcel of land shall remain unpaid, the township treasurer shall enter a specification thereof in his return to the county treasurer; but if the part on which the tax is so paid shall be an undivided share, the person paying the same shall state to the treasurer the name of the owner of such share, that it may be excepted in case of the sale for the tax on the remainder, for which purpose the treasurer shall enter the name of such owner in his account of arrears of taxes.

Moneys collected, how disposed of by town treasurer.

Sec. 50. The township treasurer shall retain in his hands the amount specified in his warrant to be paid into the township treasury, for the purposes therein specified, and shall, within one week after the time specified in his warrant for paying the money directed to be paid to the county treasurer, pay to such county treasurer the sum required in his warrant, either in delinquent taxes or in funds then receivable by law.

Return of taxes not collected.

Sec. 51. If any of the taxes mentioned in the tax list annexed to his warrant shall remain unpaid, and the township treasurer shall be unable to collect the same from the owner or occupant of the premises assessed, he shall make out a statement of the taxes so remaining unpaid and due, with a full and perfect description of such premises from his tax roll, and submit the same to the county treasurer.

1. The county treasurer shall immediately compare such with the tax roll in the hands of such township treasurer, finds it to be a true transcript from the same, he shall add tificate showing that he has examined and compared such with the tax roll in the hands of such township treasurer, and correct; and shall file such statement so certified in his office.

Return to be compar'd with tax roll, &c.

2. Upon making an affidavit to be annexed to such statement, county treasurer or his deputy duly appointed, or before authorized to administer oaths, that the sums mentioned statement remain unpaid, and that he has not, upon diligent been able to discover any goods or chattels, belonging to, session of the person charged with, or liable to pay such reupon he could levy the same, the township treasurer shall d by the county treasurer with the amount thereof; and g the return aforesaid, he shall be entitled to receive one l fifty cents, and six cents per mile travel fee one way, to d and paid to him by the county treasurer, together with nt on all taxes returned as delinquent; but no such treasur e allowed more than ten dollars, including said two per aking his returns.

Affidavit of township treasurer; credit for amount returned.

Compensation for making return.

3. The county treasurer shall give to the township treasurer tating the amount of taxes returned by such township unpaid, and for which the township shall receive a credit on of the county treasurer, and shall also give such township a statement of all taxes rejected by such county treasurer h list; which receipt and statement shall be the vouchers wnship treasurer for the amounts therein specified.

Receipt to be given, township credited, &c.

4. Upon the settlement of the amount of taxes directed to be y the township treasurer and paid to the county treasurer, y treasurer shall endorse the bond of the township treasurer ; which endorsement shall operate as a full discharge of the und his sureties from the obligation thereof, unless it shall

Endorsement of satisfaction on bond; tax roll & warrant to be deposited with county treasurer.

appear that the return of such treasurer is false; in which bond shall continue in force, and such treasurer and his hall be liable thereon for all damages occasioned by such n; and the township treasurer shall immediately deposit and warrant with the county treasurer, who shall file and ie same in his office.



When township board shall app'nt treasurer, & proceedings thereupon.

Sec. 56. In case the treasurer of any township shall refuse to serve, or shall die, resign, or remove out of the township before he shall have entered upon or completed the duties of his office, or be disabled from completing the same from any cause, the township board shall forthwith appoint a treasurer for the remainder of the year, who shall give like security, and be subject to like duties and penalties, and have the same powers and compensation as the treasurer in whose place he was appointed; and the township clerk shall immediately give notice of such appointment to the county treasurer; but such appointment shall not exonerate the former treasurer or his sureties from any liability incurred by him or them.

Money retained by township treasurer, in what order to be paid.

Sec. 57. In case the township treasurer shall not collect the full amount of taxes required by his warrant to be paid into the township treasury, such portion thereof as he shall collect shall be retained by him and paid out for the following purposes, and in the following order, viz :

1. The amount raised for the general township purposes, to be paid on the order of the township board:
2. The amount raised for school and library taxes, to be paid on the order of the school inspectors, or school district officers, as the case may be:
3. The amount of the highway taxes, to be paid on the order of the commissioners of highways.

Town treasurer to make oath to statement of taxes collected, &c.

Sec. 58. At the time of paying over the moneys collected to the county treasurer, pursuant to the provisions of this chapter, the township treasurer shall make out under oath, a statement of all moneys collected by him on account of taxes, and deliver such statement to the county treasurer, who shall file and preserve the same in his office.

Compensation for treasurer for collecting taxes.

Sec. 59. The township treasurer shall receive not to exceed four nor less than two per cent. on the amount collected, which he shall retain out of the moneys collected by him; and in case of a distress and sale of goods or chattels for the payment of any tax, the treasurer may also collect on such sale on dollar and twenty-five cents over and above the tax, as his fees for making such sale; which per centage and fees shall be in full for his services in collecting such taxes, and said treasurer shall account to the township board for the per

sent. added for collection expenses on all non-resident lands returned to the county treasurer.

Sec. 60. In case the township treasurer shall neglect or refuse to file his bond with the county treasurer in the manner, and within the time prescribed by law, and the township board shall fail to appoint a treasurer who shall give such bond and deliver a receipt for the same to the supervisor by the tenth day of November, the supervisor shall deliver the tax roll and warrant to the sheriff of the county, to be executed by himself or his deputy, who shall execute to the county treasurer a like bond as is required of the township treasurers, and make like collections and returns, and shall be entitled to the same compensation allowed to the township treasurers on all taxes so handed over to him for collection ; and for the purpose of collecting the same, shall be vested with all the powers conferred upon the township treasurer.

When supervisor to deliver tax roll & warrant to sheriff, and powers and duties of sheriff thereon.

Sec. 61. The township treasurer, or other collecting officer, on the receipt of any tax, shall give a receipt for the same, and shall note on his tax roll the payment thereof; and if any such treasurer or other collecting officer shall wilfully return to the county treasurer as unpaid, any taxes which have been paid to him, except where there is a double assessment, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both, at the discretion of the court.

Officer to give receipt on payment of tax, &c.

Sec. 62. If any township treasurer shall neglect or refuse to pay to the county treasurer the sums required by his warrant, or to account for the same as unpaid as required by law, the county treasurer shall, within ten days after the time when such payment ought to have been made, issue a warrant under his hand, directed to the sheriff of the county, commanding him to levy such sum as shall remain unpaid and unaccounted for, together with his fees for collecting the same, of the goods and chattles, lands and tenements of such township treasurer and his sureties, and to pay the said sums to such county treasurer, and return such warrant, within forty days from the date thereof.

When warrant to issue against township treasurer.

**Warrant to be delivered and executed by the sheriff of the county.** Sec. 63. The county treasurer shall forthwith deliver such warrant to the sheriff of his county, who shall immediately cause the same to be executed, and shall make return thereof to the county treasurer within the time specified for the return thereof, and pay to such treasurer the amount required by such warrant; and such sheriff shall be entitled to collect and receive the same fees as are allowed by law to sheriffs on executions.

**Proceedings against sheriff for neglect or false return.** Sec. 64. If any sheriff shall neglect to return any such warrant, or to pay the money collected thereon, within the time limited for the return of such warrant, or shall make a false return thereto, the county treasurer shall proceed by attachment in the supreme court, or any other court of competent jurisdiction, against such sheriff, to collect the whole sum directed to be levied by such warrant, in the same manner, and with like effect, as for neglecting to return an execution in a civil suit, and the proceedings thereon shall be the same in all respects.

**When county treasurer to prosecute sheriff and his sureties.** Sec. 65. In case the county treasurer shall fail to collect such moneys by attachment, he shall forthwith cause a prosecution to be had against the sheriff and his sureties for the sum due on such warrant; which sum, when collected, shall be paid to the county treasurer.

**Co. treasurer to enter return of lands (delinquent for taxes, and make transcript, &c.** Sec. 66. When any county treasurer shall receive from a township treasurer a statement of unpaid taxes on the lands of residents or non-residents, verified according to law, such county treasurer shall enter the same at length on the books in his office provided for the purpose, and he shall make a correct transcript thereof, which shall be compared by the county clerk with the statement of the township treasurer, as certified by the county treasurer, and if he finds it to be a true transcript thereof, he shall add to it a certificate that he has examined and compared the same with the certified statement of the township treasurer, and found it correct.

**Transcript to be forwarded to the Auditor General by the first of March, following.** Sec. 67. Such transcript, so made out, compared and certified, shall be forwarded by the county treasurer to the Auditor General, by the first day of March next after the return of such statement; but such transcript shall be receivable at any time during said month of March.

Sec. 68. If the taxes on any real estate assessed to a resident, Real estate assessed to resident; proceeding on return of. shall be returned unpaid, according to law, the same proceedings shall be had thereon in all respects as in cases of lands assessed as non-resident.

Sec. 69. Any person may pay the taxes on any parcel of lands Payment of taxes after return. returned as aforesaid, or any undivided share thereof, with interest calculated thereon from the first day of February next after the same were assessed, at the rate of fifteen per cent. per annum, and the office charges, to the treasurer of the county in which the lands are situated, at any time before they are sold for taxes, or to the State Treasurer, on the certificate of the Auditor General, at any time before the first day of September next preceding the time appointed for such sale.

Sec. 70. The county treasurer and Auditor General shall add for Office charges. office charges upon each certificate containing one description twenty-five cents, and for each additional description in the same certificate, six cents; and the amount received by the county treasurers for charges, shall go into the county treasuries, of which they shall keep an accurate account, and the amount received at the State Treasurer's office shall go into the State Treasury to the credit of the general fund.

Sec. 71. The county treasurers shall issue duplicate receipts for Duplicate receipts. all taxes received by them, which shall not operate as a discharge of the taxes until countersigned by the county clerk, and one of said duplicates shall be left with such clerk; but no additional charge shall be made for issuing duplicate receipts.

Sec. 72. The duplicates of such receipts shall be filed by the county clerk, who shall make an entry of the amount for which every Co. clerk to enter receipt, transmit duplicates, &c. such receipt was given, with the name of the person paying such tax, in a book to be provided by him for that purpose, at the expense of the county; and shall, on the first Monday of each month, forward all the receipts on file in his office to the Auditor General, in such manner as he may direct.

Sec. 73. Every county treasurer who shall have received into the treasury of his county sufficient to make up the amount of taxes assessed for township and county purposes, shall make returns, at least When county treasurer to make return of moneys to State Treasurer. once in three months, to the State Treasurer, at such times and in

such manner as he shall direct, of the amount received by him for delinquent taxes, payable to such State Treasurer.

**When county treasurer receives taxes paid to State Treasurer.**  
 Sec. 74. Until the several counties which shall have remaining unpaid, more delinquent taxes than the amount of the State tax for the year in which the same were assessed, shall have received the amount raised for township and county purposes, they shall be entitled to receive from the State treasurer at the close of each month, in specie or its equivalent, the amount there received for delinquent county or township taxes returned from the several counties, until they shall have received the amounts assessed in such counties for other than State tax.

**When county treasurer to pay excess into State Treasury.**  
 Sec. 75. Immediately after the returns of the several township treasurers to the county treasurers, in all cases where the amount collected shall exceed the amount raised for county and township purposes, the county treasurer shall forthwith pay into the State treasury the excess collected as aforesaid, for which amount the said counties shall be credited on account of the State tax for the proper year.

*Of the Sale of Lands for Taxes and the Conveyance and Redemption thereof.*

**When lands to be subject to redemption & sale, and when to be sold.**  
 Sec. 76. All lands returned to the Auditor General, as provided by law, upon which the taxes, interest and charges shall not be paid, or be charged back to the proper county, shall be subject to sale and redemption as hereinafter provided, and shall be sold in the same county from which they were returned, or in which the lands were situated at the time such taxes were assessed.

**Statement to be made by Aud. Genr. et al.**  
 Sec. 77. The Auditor General shall make out a separate statement of all such lands as the taxes shall remain due upon in each of the respective counties; specifying the amount of taxes due on each parcel, the interest thereon to the first Monday of October thereafter, together with the costs of advertising, postages, expense of sale and returns thereof and conveyances, calculated upon each description, by dividing such charges by the whole number of descriptions. And accompanying or preceding such statements, the Auditor General shall cause to be published in the respective counties, a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause not

affecting the legality of the assessment, or requiring a rejection of the taxes thereon, and on which the taxes, interest and charges still remain unpaid or not otherwise discharged for the taxes of any year prior to that for which the statements above mentioned are made up; and deeds given by the Auditor General to purchasers at such sales, or their assigns, shall take effect according to the year's tax for which the deed may be given; the deed for the latest year's tax taking precedence; and the interest on such re-advertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

Sec. 78. The Auditor General shall cause each of such statements to be published in the county in which the lands therein described are situate, for eight weeks successively next previous to the first Monday of October in each year, which shall be construed to mean eight publications, once a week in one newspaper, printed and published in such county, if there be one which shall have been established therein six months prior to the first day of April; and in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county, if there be such newspaper established therein for the period aforesaid; but if there is no such newspaper printed or published in the same or any adjoining county, such statement shall be printed and published in some other newspaper, to be designated by the Auditor General.

When and where statements to be published.

Sec. 79. The newspapers in which such statements are to be published, shall be designated by the Auditor General, on or before the first day of April in each and every year, and not afterwards, unless the proprietor of any paper so designated shall neglect or refuse to print and publish such statement, or unless, from some other cause it shall become impracticable; in which case the Auditor General shall designate some other paper for that purpose, before the time limited for commencing the publication.

When paper to be designated by Aud. General.

Sec. 80. The cost of printing and publishing such statements shall not exceed thirty cents for each description of land so advertised; and no printer shall be paid for publishing any such statement, who shall not forward to the Auditor General, within twenty days after the last publication thereof, an affidavit made by some person to whom

Cost of printing.

the facts are known, stating such publication, and also that he has transmitted to each county treasurer, by mail, copies of the two first numbers of his paper containing such statement, immediately after their publication.

Notice to be published with statement.

Sec. 81. The Auditor General shall annex to and cause to be published with each of said statements, a notice that so much of each tract or parcel of land described in said statement as will be necessary for that purpose, will be sold by the county treasurer on the first Monday of October next thereafter, at such public and convenient place at the seat of justice of the county as the county treasurer may select, for the payment of taxes, interest, and charges thereon.

Lists of lands to be withheld to be transmitted by Auditor General to county treasurer, &c.

Sec. 82. As soon after the first Monday of September as shall be practicable, the Auditor General shall prepare and transmit to the several county treasurers, lists of all lands described in the respective statements, on which the taxes, interest and charges shall have been paid; which lands, together with all the lands whereon the taxes, interest and charges shall have been paid to the county treasurer before the sale, shall be struck from the statement of lands advertised to be sold by the respective county treasurers, and shall be withheld from sale.

Sale how made.

Sec. 83. On the day designated in the notice of sale, the several county treasurers, under the direction of the Auditor General, shall commence the sale of those lands on which the taxes shall not have been paid as aforesaid, and shall continue the same from day to day (Sundays excepted) until so much of each parcel thereof shall be sold as shall be sufficient to pay the taxes, interest and charges thereon: *Provided*, That every description of land embraced in said notice, which has been bid off to the State at a previous sale, and which remains unredeemed or otherwise disposed of, shall be bid off to the State by said county treasurers.

Ibid.

Sec. 84. In case less than the whole of any parcel described in the statements aforesaid, shall be sold for the taxes, interest and charges thereon, the portion thereof sold shall be taken from the north side, or north end of such parcel, and shall be bounded on the south by a line running parallel with the northerly line thereof, unless the same be an irregular fraction; in which case the portion thereof so sold shall be bounded on the south by a line running due east and west.

Sec. 85. The county treasurers may, in their discretion, require immediate payment of any person to whom any parcel of such land shall be struck off; and in all cases where payment is not made in twenty-four hours, he may declare the bid canceled, and, at his discretion, sell the lands again; and any person so neglecting or refusing to pay any bid made by him, shall not be entitled, after such neglect, to have any bid made by him received by the treasurer during such sale.

Payment of bids, when to be made, &c.

Sec. 86. The several county treasurers shall receive, on such sales, such funds only as shall, at the time, be receivable by law at the State treasury on account of the general and delinquent tax funds; and so much as may be necessary to pay for printing, and charges of sales, shall be paid in specie or its equivalent.

Funds receivable at sales.

Sec. 87. The State Treasurer shall notify the county treasurers what amount must be paid in specie or its equivalent; and the remittance of all moneys received at tax sales shall be made as directed by the State Treasurer; and the expenses of advertising and sale shall be paid therefrom on the Auditor General's warrant, and the remainder shall be placed to the credit of the general fund, as received.

Notice of amount to be paid in specie; State treasurer to direct remittance, &c.

Sec. 88. At the sale aforesaid, the respective county treasurers shall give to the purchasers, on the payment of their bids, a certificate in writing, describing the lands purchased, and the amount paid therefor; and shall endorse thereon the kind of funds received; and such certificate shall be regularly numbered, and a copy of each forwarded by the county treasurers to the Auditor General, in such manner as he shall direct.

Certificate of sale, &c.

Sec. 89. On the presentation of such certificate of sale to the Auditor General, after the expiration of the time provided by law for the redemption of lands sold as aforesaid, he shall execute to the purchaser, his heirs, or assigns, a deed of the land therein described, unless he shall have discovered that the same was improperly sold; which deed shall be prima facie evidence of the regularity of all the proceedings, from the valuation of the land by the assessors, to the date of the deed inclusive, and of title in the purchaser; and every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other

Deed to purchaser.



cases, and after it shall have been on record five years in the office of the register of deeds of the county in which the land therein described is situated, shall, except in cases where the Auditor General has canceled the sale pursuant to law, or it has been annulled by a court of competent jurisdiction, be positive evidence that the land therein described was, by such deed, conveyed in fee simple to the grantee therein named, and his heirs, or assigns; but such lands shall be subject to all unpaid taxes properly chargeable thereon.

Loss of certificate.

Sec. 90. In case of the loss of such certificate of sale, the purchaser or his legal representative or assignee, may file his affidavit of such loss, and that he was at the time of such loss the bona fide and legal holder thereof; and the Auditor General shall thereupon execute as aforesaid a deed for the lands described in such certificate, in the same manner as though it had been presented and surrendered. Any person who shall make an affidavit as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury for any false statement made in such affidavit, with intent to defraud, upon conviction thereof, before a court having jurisdiction of the offence.

How lands may be redeemed.

Sec. 91. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year next succeeding the sale, redeem any parcel of said lands, or any part or interest in the same, by paying at his option into the State treasury or to the treasurer of the county where such lands are situated, the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per cent per annum; of which interest twenty per cent shall be paid by the State Treasurer to the purchaser, and five per cent shall belong to the State, and be passed to the credit of the general fund.

Interest how computed.

Sec. 92. When any land shall be redeemed as provided in the preceding section, the interest shall in all cases be computed from the day of sale, up to the end of the current quarter of the year limited for such redemption.

Duplicate certificates of redemption to be issued, &c.

Sec. 93. Upon the payment of the redemption money and interest to the county treasurer as aforesaid, he shall issue duplicate certificates of redemption in the usual form, both of which certificates shall be countersigned by the county clerk, who shall make an entry of

the number of each certificate, the amount for which it was given, and the name of the person paying the same ; one of which certificates shall be delivered to the person making the payment, and the other shall be transmitted by the county clerk to the Auditor General, on the first Monday in each month, in the same manner as is now required for the transmission of duplicate receipts.

Sec. 94. The total amount of such redemption certificate shall be charged by the Auditor General to the county returning the same, if the amount shall be found by the books of his office to be due such county ; and if not thus due, then the said amount shall be deposited in the State treasury by the county treasurer, at such times as the Auditor General shall require ; and if the said county treasurer shall refuse or neglect for thirty days after such requirement to pay over, or deposit the amount as aforesaid, he shall be subject to a prosecution by the Auditor General, under the provisions of the thirty-sixth section, chapter one hundred and fifty-four of the revised statutes of one thousand eight hundred and forty-six ; and upon conviction shall be punished as therein mentioned.

*Aud. General to charge county with amount of certificate, &c.*

Sec. 95. Every county treasurer shall, on or before the first day of June next succeeding his election, execute to the Auditor General a bond, in such sum as the said Auditor shall direct, with three or more sureties to be approved of by the prosecuting attorney, county judge or circuit court commissioners, of the proper county, and the said Auditor, conditioned that such treasurer, his deputy and all persons employed in his office, shall render a just and true account of all moneys received by him or them for sales of lands at the annual tax sales, and for redemption thereof, and all other money which may otherwise come into his or their hands, belonging to the State, and that he or they shall faithfully and promptly pay to the State Treasurer all such moneys received as aforesaid, whenever required so to do by the Auditor General ; which bond shall be filed in the office of said Auditor.

*Co. treasurer to execute bond to Auditor General.*

Sec. 96. In case the said county treasurer shall refuse or neglect to execute and file such bond at the time and in the manner aforesaid, the Auditor General shall employ in behalf of the State some other person to conduct the annual sales of lands delinquent for taxes, and to receive payment therefor under his direction, any law to the con-

*In case Co. treasurer neglects to file bond, Aud. General may employ some other person to conduct sales.*

trary notwithstanding; upon such person executing and filing with the said Auditor a similar bond with sureties as above mentioned, to be by him approved, conditioned for the faithful and prompt payment to the State Treasurer of all moneys which may come into his hands, as the proceeds of such sale or otherwise, belonging to the State, whenever required so to do by the Auditor General as aforesaid; and a reasonable compensation for the services of such person shall be allowed and paid out of said proceeds.

When lands to be re-offered for sale, and when bid in for the State.

Sec. 97. If any parcel of land cannot be sold to any person for the taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be re-offered; and if, on such second offer, or during such sales, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same for the State.

Lands bid off to the State liable to taxation.

Sec. 98. All lands bid off for the State as provided in the last preceding section, shall continue liable to be taxed, in the same manner as if they were not the property of the State, and such taxes shall be a charge upon such lands.

Proceedings in case of irregularity.

Sec. 99. If the Auditor General shall discover, before the sale, or before the conveyance of any lands as aforesaid, that on account of irregular assessments, or for any other cause, any of such lands ought not to be sold or conveyed, he shall forbear to cause the same to be sold, or withhold a conveyance, after sale, as the case may be; and in such case, if a sale has been made, he shall, on demand, cause the money paid therefor to be refunded, with seven per cent interest thereon.

When am't refunded to be charged against Co.

Sec. 100. If such errors originated with the county or township officers, the amount so refunded shall be charged against the county from which the tax was returned, and the supervisors of such county shall cause the same to be refunded to the State treasury.

When Auditor General may cancel sales, &c.

Sec. 101. If at any time within two years after the date of purchase of any land sold for taxes, it shall be made to appear to the satisfaction of the Auditor General, that for any cause, said sale was invalid, he shall have power, and it shall be his duty to cancel said sale and to cause the money paid therefor to be refunded, with seven per cent interest, to be calculated from the date of said sale to the date of the cancelment thereof: *Provided, That the Auditor General shall have power, and it shall be his duty to cancel any such*

sale at any time when it shall be made to appear to his satisfaction,

1st. That the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold:

2d. That the taxes have been paid, or that application in writing to pay said taxes, or redeem said land, was made to the proper officer within the time limited by law for the payment or redemption thereof.

Sec. 102. Whenever, within the time above limited, the Auditor General shall be satisfied that any deed executed by him upon the sale of any land for taxes, has been erroneously executed, and ought to be cancelled, he shall, on application of the person claiming the premises, give the applicant a certificate of the same duly executed and proved and acknowledged, as other documents for record are proved and acknowledged; and whenever such certificate, so proved and acknowledged, shall be presented to the register of the proper county, where said deed shall have been recorded, the said register shall record the same, and cancel the said deed of record, by a short memorandum written on the margin, or on the face of said deed, stating the substance of said certificate; and thereupon the said deed shall be absolutely void, so far as the lands described in said deed and in the said certificate are identical.

*Certificate of cancellation to be issued.*

Sec. 103. In all cases when lands sold for taxes have been conveyed by deed, and the Auditor General deeming the title invalid, shall cancel the deed pursuant to law, he shall, at the time of offering to the purchaser his money, and interest as the law requires, also briefly state the reasons for such cancellation.

*Reasons for cancellation to be stated in notice to purchaser.*

Sec. 104. Such money, when paid by the State Treasurer, shall be refunded to the State treasury by the proper county; and in any action of ejectment brought by the owner to recover such lands, the State shall not be liable to costs.

Sec. 105. The Auditor General shall state the account of the several county treasurers, on the first day of July in each year, allowing to the several counties ten per cent interest on such portions of the taxes unpaid on the first day of February in the same year, as shall belong to them for township and county purposes, and shall transmit a copy thereof by mail, or otherwise, to the county clerk, who shall lay the same before the board of supervisors at their first meeting after the receipt of the same.

*Accounts of county treasurers to be stated by Aud. General.*

*Of Rejections and Re-assessments.*

When tax rejected, &c.; supervisors to correct errors, &c.

Sec. 106. Whenever the county treasurer shall be notified by the Auditor General, or shall otherwise become satisfied that any tax has been paid to the township treasurer, or that there was a double assessment upon any lands, or that any parcel is so erroneously or defectively described that it cannot be sold, he shall deliver to the board of supervisors an accurate statement thereof; and the said board shall cause the same to be re-assessed upon the same land in the next year's tax, or raise the amount upon the proper township, or otherwise correct such errors, as they shall consider just.

How rejected taxes, &c. to be charged back.

Sec. 107. The Auditor General is authorized and required, in all cases where taxes upon lands returned delinquent to his office, shall be rejected for any cause, or having been credited, shall be charged back on the books of his office, to charge the same over to the county from which such taxes were returned, unless the lands upon which the same were assessed, shall have been set off to some other county, or attached to some other county for judicial purposes; and in case such lands shall have been so set off or attached, they shall be charged to the county to which they may belong at the time of such rejection.

Supervisors to furnish list of land detached from county on which taxes are charged back.

Sec. 108. It shall be the duty of the board of supervisors to furnish to the Auditor General a list of all taxes which shall have been rejected or charged back to their county by him, upon lands which shall have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be then situated, provided such taxes shall not have been previously paid or re-assessed.

Aud. General to forward to Co. treasurer a description of lands, &c.

Sec. 109. The Auditor General, immediately after ascertaining the amount of taxes, interest and charges, due upon any lands which may have been or may hereafter be rejected or charged back as hereinbefore provided, shall forward to the treasurer of the county in which such lands shall then be situated, or to which they may be attached, a description of such lands, together with a statement of the amount of taxes, interest and charges thereon, and specifying for what year or years such taxes were originally assessed.

Sec. 110. The county treasurer receiving such statement shall lay the same before the board of supervisors at their next session there-  
after, and if such taxes shall have been rejected or charged back by the Auditor General for any informality not affecting the legality of the assessment, the board of supervisors shall cause the same to be re-assessed upon the same land, and collected with the taxes of the then current year, and in the same manner.

Co. treasurer to lay statement before board of supervisors.

Sec. 111. If such taxes cannot be properly re-assessed upon the same lands, the board of supervisors shall cause the same or any part thereof, to be re-assessed upon the taxable property of the proper township, as may appear equitable.

Proceedings when tax cannot be properly re-assessed on same lands.

Sec. 112. Whenever the Auditor General shall have rejected any State, county or township tax, for the reason that the amount assessed for any such purpose exceeds the limitation established by law, the county treasurer of the county in which the lands so assessed shall be situated, shall make out and present to the board of supervisors thereof at their next session, a list of the lands, with the taxes assessed, and the interest accrued thereon.

Proceedings when tax exceeds limit fixed by law.

Sec. 113. The board of supervisors shall cause so much of said taxes as shall remain unpaid, and as shall not exceed the limit fixed by law, for the year in which they were originally assessed, to be re-assessed upon the same lands, if they can legally do so, and collected with and in the same manner as the taxes for the year in which the same shall be re-assessed as aforesaid.

Ibid.

Sec. 114. If any such taxes cannot be properly re-assessed upon the same lands, the board of supervisors shall cause the same, or any part thereof, under the limitations aforesaid, to be assessed upon the taxable property of the proper township, as may appear equitable.

Ibid.

Sec. 115. All taxes assessed on any lot or block, or any part thereof, in a town or village, or addition thereto, which have been rejected subsequent to the first day of January, eighteen hundred and forty-seven, or which may hereafter be rejected, on account of any informality or defect in the execution, filing acknowledgment or recording of the plat of said town or village, or any addition thereto, the board of supervisors of the respective counties may cause the same to be re-assessed by the same lots or blocks, or parts thereof, which are respectively chargeable with said taxes as provided by law in

Taxes assessed on village property, rejected for informality.

other cases of re-assessments, excepting such lots or parts of lots as have been sold since the rejection of said taxes; and all the provisions of law concerning the assessment, collection and return of taxes, and of the sale of the lands chargeable therewith, shall be applicable to the re-assessments made as aforesaid, and to the sales of the lands delinquent in the payment thereof.

Liability of collector, &c.

Sec. 116. If at any time it shall be discovered that the Treasurer of any township has received the tax assessed upon property which he has returned delinquent, the Supervisor shall have power, and he is hereby required to collect the same, in the name of his township, from such treasurer or his sureties, together with interest and charges.

*Of Lands bid off to the State for Taxes ; their Redemption and Sale.*

Lands bid off to the State to be offered at October sales.

Sec. 117. All lands heretofore bid off, or that may hereafter be bid off to the State for taxes, which have not been redeemed, or otherwise discharged, shall be offered for sale at the annual tax sales in October in each year.

Aud. General to furnish statements to Co. treasurers.

Sec. 118. The Auditor General shall furnish to each of the County Treasurers, in the month of August in each and every year, a full and accurate statement of all the lands in his county that may have been bid in for the State, remaining unredeemed or not otherwise discharged.

Contents of statements; interest, &c.

Sec. 119. Such statement shall exhibit the aggregate amount of all sums due to the State on each description of land, including interest thereon at the rate of twenty-five per cent per annum, from the time the lands were bid in by the State, to the first Monday of October in the year in which they shall be first offered as State tax lands, as contemplated in the preceding section: *Provided, That on all State tax lands, which have or should have been once previously offered at public sales, and which, remaining unsold, are again to be offered as above, there shall be charged upon the amount for which each description thereof has or should have been so offered, interest at the rate of ten per cent per annum, from the time when they were so or should have been so first offered, to the said first Monday of October.*

Notice of sale.

Sec. 120. The Auditor General shall cause to be published for eight weeks successively, (which shall be construed to mean eight

publications, once a week,) next previous to the first Monday of October, in each year, a notice that the lands described in such statement will be sold at public auction by the treasurer of the county in which such lands are situated, at the time and place designated for the ordinary tax sales, under the direction of the Auditor General.

Sec. 121. At the time designated in the notice, and immediately previous to the sale of other lands advertised to be sold for taxes at the same time, such county treasurer shall commence the sale at the place designated, and continue the same from day to day, if necessary, (Sundays excepted,) until he has offered all the lands embraced in his list which have not been redeemed or otherwise discharged; and he may re-offer and sell any parcel when a bidder shall refuse to pay his bid for twenty-four hours after the lists have been gone through, or he may, in his discretion, demand immediate payment; and if not paid, cancel the bid and re-offer the lands.

Sec. 122. In all cases when a description of land is offered as State tax land, and the same description or any part thereof shall be offered in the regular list of lands delinquent for taxes as provided in section eighty-three of this act, it shall be the duty of the county treasurer to inform the person bidding for the description offered as State tax lands of the fact, and such person shall be required to purchase the description so offered in the regular list at the same time the description offered as State tax land is bid off by him; and in case of his neglect or refusal so to do, the treasurer shall withhold said description of State tax land from sale; but may re-offer the same as provided in the next preceding section.

Sec. 123. The county treasurer shall, on payment of the purchase money at such sale, issue certificates of sale to the purchasers, in such form, and make such returns to the Auditor General, as shall be prescribed by him, and shall also transmit the moneys received on such sale to the State Treasurer, in such manner as he shall have directed.

Sec. 124. The Auditor General shall, on the presentation and surrender of the State tax land certificate of sale at his office, or as soon thereafter as may be, (except in cases where the land has been previously sold at the Auditor General's office, or redeemed, when the purchase money only, shall be refunded,) execute a deed of the



lands to the purchaser or his assigns, which shall convey all the right acquired by the State under the original sale or sales; and such deed shall be prima facie evidence of the correctness of all the proceedings to the date of the deed, and of the title of the grantees therein named; and when duly acknowledged, may be recorded and admitted in evidence, in the same manner as other deeds of conveyance; and every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases, and after it shall have been on record five years, in the office of the register of deeds of the county in which the land therein described is situated, shall be positive evidence that the land therein described was by such deed conveyed in fee simple to the grantee therein named, and his heirs or assigns; but such lands shall be subject to all unpaid taxes properly chargeable thereon.

Redemption  
of lands bid  
off to the  
State.

Sec. 125. Any person may redeem any lands, or any part or interest which shall be clearly defined in any lands heretofore bid in or that may hereafter be bid for the State, at any time within one year next succeeding the sale at which the same was bid in, by paying into the State treasury, on the certificate of the Auditor General, the amount for which the same was so bid in, with interest thereon at the rate of twenty-five per cent per annum, as is contemplated and provided in sections ninety-one and ninety-two of this act.

Purchase of  
State bids at  
Aud. General's  
Office,  
&c.

Sec. 126. All such lands remaining unredeemed, except such descriptions as the State may have a title to for another year or years, shall be subject to sale at any time at the office of the Auditor General, and upon the payment therefor, on his certificate to the State Treasurer of the amount for which such lands were bid off to the State, with interest at twenty-five per cent per annum, to be computed from the first Monday in October, when such lands were bid off to the State to the time of such application, the Auditor General shall issue to the purchaser a certificate of purchase.

Amount to  
be refunded,  
in case of  
redemption,  
&c.

Sec. 127. If such lands shall be redeemed, the purchaser shall be entitled to the amount of the bid, together with twenty per cent. interest, as contemplated and provided in section ninety-one of this act; if otherwise discharged, then to the amount paid by him with interest at seven per cent per annum, to be computed from the date of the purchase to the date of such discharge. But if such lands are

not redeemed or otherwise discharged according to law, the Auditor General shall, on the surrender of such certificate of purchase, execute to the purchaser a deed for the lands therein described.

If not redeemed &c., deed to be executed by Aud. General.

Sec. 128. Any person may purchase any unsold State tax land, upon application therefor at the office of the Auditor General, and upon paying to the State Treasurer on the certificate of the Auditor General, the amount for which the same was, or should have been first offered in the county as State tax land, with interest upon said amount at ten per cent per annum, to be computed from the first Monday in October, in the year in which the land was, or should have been so first offered in the county, to the day of making such application and payment.

Purchase of unsold State tax lands at Aud. General's Office.

Sec. 129. Upon application and payment being made as above mentioned, the Auditor General shall execute to such purchaser, a deed, conveying all the right, title and interest of the State in and to said State tax lands, acquired by virtue of the original sale or sales to the State.

Deed to be executed by Aud. General.

Sec. 130. All the provisions of this act relative to deeds executed by the Auditor General on the surrender of certificates of sale of State tax lands, issued by the several county treasurers shall be applicable to deeds executed by him for lands purchased at his office pursuant to the provisions of this act, and all the provisions of this act relative to canceling sales, shall be applicable to sales of lands bid off to the State, whether sold by the county treasurer or purchased at the office of the Auditor General.

Provisions relative to deeds and canceling sales applicable to State tax land deeds, &c.

Sec. 131. The purchaser of any lands bid in for the State at the annual tax sales, and sold pursuant to the provisions of this act, on application to the Auditor General for a deed, shall pay an office charge of twenty-five cents for the first, and six cents for each subsequent description contained in such deed, which shall be paid into the State treasury, to the credit of the general fund.

Office charge.

Sec. 132. All expenses of sale, postage and other charges, incident to the sales of lands, bid in for the State as aforesaid, shall be audited by the Auditor General, and paid out of the general fund on his warrant.

Expense of sale; postage, &c.

**Who to be made defendant in case of prosecution of ejectment.** Sec. 133. In case it shall become necessary in the prosecution of an action of ejectment by any person having an adverse claim to any land bid in for the State, as provided in this chapter, the officer having charge of the land in behalf of the State, may be defendant.

**Right of the State to enforce collection of taxes for subsequent years, not to be prejudiced, &c.** Sec. 134. Neither the sale of any State tax lands, nor the sale of any of the bids of the State for which the time of redemption has not expired, shall in any wise prejudice the right of the State to enforce the collection of any tax subsequent to the year or years for which the same have been sold as aforesaid, and for the taxes and charges remaining unpaid for such subsequent year or years, the Auditor General shall cause such lands to be offered in regular succession, at the next ensuing annual sales for taxes, in the proper county, giving the notice required by law, unless previously redeemed or otherwise discharged.

**When lands to be struck from assessment roll.** Sec. 135. Any description of land bid off to the State at the annual tax sales, which shall remain undisposed of for five years from the date when it was so bid off, shall be stricken from the assessment roll, but shall be restored thereto, after the same shall have been sold or otherwise discharged.

**Aud. General to transmit lists of lands to be struck from assessment rolls to Co. clerks and Co. treasurers.** Sec. 136. The Auditor General shall, in the month of March in each year, transmit to the several county clerks and county treasurers, lists of all lands to be so struck from the assessment rolls, in their respective counties, and lists of such as have been previously struck from the rolls, but are to be restored and again assessed; and the said clerks respectively, on or before the first Monday of April thereafter, shall transmit a list to the several supervisors, designating such lands in their respective townships as are to be left out of the assessment roll, and such as have been previously left out, but are to be restored.

**When description sold for taxes of two or more years, and sale void for one year, conveyance to remain good for balance.** Sec. 137. When any single description of State tax land shall be sold for the taxes of two or more years, and it shall be made to appear to the Auditor General within the time prescribed by law, that the taxes for any year for which the same was originally bid off to the State were paid before sale, or were illegally assessed, or would be void for any other cause, he shall, on application, cause to be refunded to the purchaser the amount due and paid on account of said

year's tax, with interest at the rate of seven per cent from the day of sale until said purchaser was notified that said amount would be refunded ; but the deed shall remain a valid conveyance to the purchaser of all the rights acquired by the State under the sale or sales for taxes of other years, not thus proved to have been illegal or void.

Sec. 140. All sales of State tax lands, or the bids in behalf of the State, at the Auditor General's office, under the provisions of the act to provide for the sale of certain unsold State tax lands, and for other purposes, approved February seventeenth, eighteen hundred and forty-six, and the act No. seventy-two, amendatory thereof, approved April twenty-third, eighteen hundred and forty-six, which were made after the said acts were repealed, and also the sales at the said office, of the bids in behalf of the State on lands sold for the taxes of eighteen hundred and forty-one, eighteen hundred and forty-two, and eighteen hundred and forty-three, and which were previously held by the State as State tax lands, for the taxes of eighteen hundred and forty, and previous years, and the deeds or certificates of purchase issued or to be issued on account of such sales, shall be as valid as if said acts had not been repealed.

Certain sales to remain valid.

*Miscellaneous Provisions.*

Sec. 141. Any person who has a lien upon any lands returned for non-payment of taxes, may pay the taxes, interest, and charges thereon, and the receipt of the county treasurer or State Treasurer therefor, duly countersigned, shall constitute an additional lien on such land to the amount therein specified ; and the amount so specified shall be collectable with interest thereon, in the same manner as the original lien.

Person having lien may pay taxes, &c.

Sec. 142. If any township clerk or supervisor shall wilfully neglect or refuse to perform any of the duties required of him by the provisions of this chapter, he shall forfeit and pay a sum not exceeding one hundred dollars.

Penalty for neglect of duty by certain town officers.

Sec. 143. The board of supervisors of each county shall, at their annual session in each year, transmit to the prosecuting attorney, the names and places of abode of all township clerks and supervisors within their county, who shall have incurred any forfeiture under the provisions of this chapter, and such prosecuting attorney shall immediately prosecute for such forfeiture.

Duty of board of supervisors as to forfeitures, &c.

Losses sustained by default of county or township treasurer, chargeable to county or town, &c.

Sec. 144. All losses that may be sustained by the default of the treasurer of any township shall be chargeable on such township ; and all losses that may be sustained by the default of any county treasurer in the discharge of the duties imposed by this chapter, shall be chargeable on such county, and the board of supervisors of such county shall add such losses to the next year's taxes of such township or county.

Aud. General to furnish blanks.

Sec. 145. The Auditor General shall, from time to time, furnish suitable blanks in addition to those required by the preceding provisions of this chapter, for returns of unpaid taxes, receipts and certificates of sale, which shall be sent to the several county treasurers.

Detroit; who to perform duties of township treasurer therein.

Sec. 146. The assessors of the several wards in the city of Detroit, shall have and exercise the powers and duties of supervisors, and the collectors of the several wards of said city shall have and exercise the powers and duties of township treasurers, under the provisions of this chapter.

Aud. General to cause a sufficient number of copies of this act to be printed, &c.

Sec. 147. The Auditor General shall, from time to time, whenever he shall find it necessary, cause to be printed at the expense of the State, a sufficient number of copies of this chapter, with such forms of proceeding under the same as may be necessary and proper, to furnish one copy to each supervisor, township treasurer, township clerk and county clerk, and three copies to each county treasurer ; and shall transmit to each county treasurer at the expense of the county a sufficient number for such county ; and every county treasurer receiving such copies shall immediately transmit to the township clerk of each township, five copies, to be distributed by him to the officers entitled thereto.

Officer refusing to perform duties, &c., guilty of misdemeanor.

Any officer who shall wilfully neglect or refuse to perform any of the duties imposed upon him by this chapter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, in the discretion of the court.

Property distrained for taxes; proceedings in case of surplus in certain cases.

Sec. 148. Whenever a surplus arising from the sale of any property distrained for taxes, shall be claimed by any other than the person for whose tax such property was sold, and such claim shall be contested by such person, such claimant may prosecute an action against such person ; or the person for whose tax such property was

sold may prosecute such action against such claimant, as for money had and received ; in which action the right of the respective parties to such surplus shall be tried and determined.

Sec. 149. For the purpose of such action, the defendant shall be <sup>ibid.</sup> deemed to be in possession of the surplus in the hands of the township treasurer, and upon the presentation to such treasurer of a certified copy of the final judgment rendered in such action, the said treasurer shall pay over the same to the party recovering such judgment ; and no township treasurer shall be liable to any claimant of such surplus, the right to which is contested as provided in this chapter, until he shall have refused to pay over such surplus upon the production of a certified copy of a judgment as aforesaid.

Sec. 150. In any action brought pursuant to the two last preceding sections, no other cause of action shall be joined, nor shall any <sup>ibid.</sup> set off be allowed ; and if an execution issue on a judgment so rendered, it shall direct the costs only of such action to be levied by virtue thereof.

Sec. 151. When any property shall be legally distrained and sold for the tax of any person, and such property shall be owned by another person, such owner may recover of the person for whose <sup>Value of property distrained and sold may be recovered in cert'n cases.</sup> tax the same was sold the value of such property, in an action of assumpsit, as for goods sold and delivered, deducting therefrom the amount of any surplus which may have been claimed or recovered by such owner as provided in this chapter.

Sec. 152. It shall be the duty of the prosecuting attorney of each <sup>Duty of prosecuting attorney.</sup> county, to give his counsel and advice to the county treasurer, and the supervisors of the county, whenever they, or any of them, may deem it necessary for the proper discharge of the duties imposed upon them in this chapter, free of charge.

Sec. 153. Whenever any county treasurer shall pay to any township treasurer any moneys on account of taxes returned from such <sup>Co. treasurer paying money to town treasurers to notify clerk.</sup> township, it shall be the duty of such county treasurer immediately to notify the clerk of the proper township of the amount so paid to such township treasurer.

Sec. 154. In all cases of sales of land for taxes, if the purchaser or his assignee shall die before a deed shall be executed on such sale, <sup>In case of death of purchaser or assignee, deed to issue in name of deceased.</sup> the deed shall be executed by the Auditor General to and in the name of such deceased person, if such person being still alive would be en-

titled to the same ; which deed shall vest the tax title in the heirs or devisees of such deceased person, in the same manner, and liable to the like claims of creditors and other persons, as if the same had been executed to such deceased person immediately preceding his death. And in all like cases which have heretofore occurred, the same rule shall apply ; and all deeds heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled thereto, shall have the like effect as above provided.

Duty of supervisor relative to university and primary school lands.

Sec. 155. The supervisor of every township in which there shall be assessed the interest of any purchaser of University or primary school lands, as personal property, shall, on or before the first day of November in the year when the same was so assessed, transmit to the treasurer of his county a list of all such lands, containing a full description thereof, together with the name of the persons to whom respectively the same was so assessed.

Co. treasurers to return to State Land Office statement of unpaid taxes on university and primary school lands.

Sec. 156. That the several county treasurers shall, at the same time and in the same manner they are now required to return to the office of the Auditor General lands delinquent for taxes in their respective counties, return to the State Land Office a statement of all university and primary school lands upon which, from returns made to them by the township treasurers, it appears the taxes assessed have not been paid and cannot be collected.

Duty of Commissioner of State Land Office.

Sec. 157. The Commissioner of the State Land Office shall provide suitable books and enter in the same the description of every parcel of land so returned to his office, and the taxes assessed on the same.

Forfeiture in case of neglect to pay taxes.

Sec. 158. The purchaser or purchasers of any parcel of the land so returned, or the person or persons claiming to have any interest in the same as the assignee or legal representative in any other capacity of such purchaser, shall, under pain of forfeiting his or their interest in such lands and in the certificate of sale thereof, within the time in which the annual interest is required to be paid on the purchase money of such lands, pay to the State Treasurer the amount of taxes assessed upon any description of the lands so returned, with interest thereon from the first day of February following the assessment of the same, at the rate of fifteen per cent. a year, and in addition thereto on each description the sum of twenty-five cents to defray the expenses of the collection of such taxes.

Sec. 159. Every parcel of land returned under the provisions of this act, upon which the taxes and the interest and charges aforesaid shall remain unpaid at the expiration of the time within which payment thereof is required to be made by the next preceding section, shall be deemed to have been forfeited to the State by the purchaser thereof, his assignee or other legal representative; and the lands so forfeited shall be subject to sale in the same manner that other forfeited and unsold university and primary school lands are.

*Ibid.*

Sec. 160. The said commissioner shall, on or before the first day of May and November in each year, make out and furnish to the Auditor General a statement containing a description of the lands upon which the taxes have been paid, and the amount of taxes, interest and charges paid on such lands.

*Commissioner to furnish statement to Auditor General of taxes so paid.*

Sec. 161. The Auditor General shall credit to the proper counties the taxes so paid, with the rate of interest allowed on other delinquent taxes, and place the balance of moneys arising from such interest and charges to the credit of the general fund.

*And. General to credit counties.*

Sec. 162. The board of supervisors of any organized county, to which is attached any unorganized territory for judicial purposes, may appoint one or more assessors, who shall hold their office until others are appointed, to be duly qualified, whose duty it shall be to assess the property liable to taxation in such unorganized territory, in the same manner as is herein prescribed for the supervisors of organized towns—who shall take, complete, and deliver the same to the county clerk of such organized county, on or before the first day of October, which roll shall be equalized, and go to make the aggregate valuation of said county, the same as the other township rolls, and the relative amount of State and county tax, together with the expense of assessment and collection, shall be apportioned to the property of said rolls the same as that of the several townships. It shall be the duty of the county clerk to affix the taxes so apportioned to a true copy of said roll, to annex his warrant thereto, to deliver the same to the sheriff, who shall give bonds to the county treasurer that shall be approved by him, to collect and pay over the same, in the time, manner, and under the same restrictions as is herein prescribed for the town treasurer to collect and pay to the county treasurer their several State and county taxes. Said assessors shall be empowered

*Board of supervisors of organized county to which unorganized territory is attached may appoint one or more assessors; their duties, &c.*



at any time before the first day of October, to make and complete an assessment in any organized town that may fail or neglect to make or complete an assessment roll within the time required by this act, and shall deliver the same to the county clerk, who shall affix the taxes to a true copy thereof, and deliver the same to the sheriff of said county, who shall give bonds to the county treasurer, collect and pay over the same in like manner as is required for the unorganized portion of said counties.

Conflicting  
enactments  
repealed.

Sec. 163. That all acts, and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed.

Sec. 164. This act shall take effect immediately.

Approved February 14, 1853.

[ No. 87. ]

AN ACT for the construction of public offices at the seat of government, at Lansing.

Appropriation.

SECTION 1. *The People of the State of Michigan enact, That there shall be appropriated out of any money belonging to the general fund, the sum not to exceed ten thousand dollars, for the purpose of erecting a fire proof building for the State offices at Lansing.*

Governor  
authorized  
to appoint  
commissioner.

Sec. 2. The Governor is authorized, and may, by and with the consent and advice of the Senate, appoint a commissioner, whose duty it shall be to procure plans and specifications for the construction of said building, and submit the same to the board of State auditors for their adoption.

Powers and  
duties of  
commissioner.

Sec. 3. When said plan and specifications are so adopted, it shall be the duty of said commissioner to advertise for forty days, in some newspaper published at the seat of government, and two daily papers in the city of Detroit, for bids for furnishing materials for the construction of said building, according to the plans and specifications, and to make a contract for said construction with the person who will do it at the lowest price, taking into consideration the ability of said person to perform the contract, which shall be approved by the board of State auditors and Governor, to be signified by their approval endorsed thereon.

**Sec. 4.** The said commissioner shall superintend the construction of the said building, and the Governor, Auditor General and Board of State Auditors shall fix and locate the site of said building, on block two hundred and forty-nine, in the town of Lansing. Location.

**Sec. 5.** Said commissioner is hereby empowered to give said contractors an estimate of the amount expended in labor or material upon said building, from time to time, as the works progress, and the treasurer, upon the warrant of the Auditor General, is hereby authorized to pay such amount so estimated, reserving twenty-five per cent thereof, until the said building shall be completed and accepted by said commissioner. Power of commissioner relative to contracts.

**Sec. 6.** Said commissioner shall receive the sum of three dollars per day during the time he is employed, to be certified to by the said Board of State Auditors, and audited by the Auditor General, and paid by the State Treasurer. Restriction.

**Sec. 7.** Said commissioner, contractor or contractors, shall not be entitled to any extra pay, beyond the amount fixed for the commissioner, and the amount fixed with the contractor or contractors in the original contract entered into with them. Compensation.

This act shall take effect immediately.

Approved February 14, 1853.

[ No. 88. ]

**AN ACT** to amend an act entitled an act to amend an act entitled an act to incorporate the village of Jackson, approved April third, eighteen hundred and forty-eight.

**Section 1.** *The People of the State of Michigan enact,* That section second of an act entitled an act to amend an act entitled an act to incorporate the village of Jackson, approved April third, eighteen hundred and forty-eight, be amended by striking out the words "street commissioner," in the second line of said section, and by inserting after the word "appointed," in the sixth line of said section, the words "deputy marshal;" so that said section as amended will read as follows: Not entitled to extra pay.

Corporation  
officers.

Election of  
officers; how  
held, &c.

Duty of  
council rel-  
ative to elec-  
tions.

"Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, attorney, six trustees, marshal and two assessors, to be elected by a plurality of votes by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this State; and the common council of said village are hereby authorized to appoint a marshal and deputy, and such other officers as may be necessary under the provisions of this act. The election of officers herein provided for, shall be held in said village at such place as may be appointed by the common council, on the fourth Monday in April in the year eighteen hundred and forty-eight, and on the second Monday in March in each year thereafter. The polls of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day, and no longer. The name of each elector voting at such election shall be written in a poll list to be kept at such election by one of the common council. After the close of the polls at such election, the common council shall proceed without delay, publicly to count the ballots, unopened; and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president or recorder, if present, and if not, then some other member of the common council shall draw out and destroy unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled up or folded together, they shall not be estimated; and thereupon, the common council present at such election shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate, the same day or the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass; and the person having the greatest number of votes shall be declared duly elected: *Provided*, If it shall happen that two or more persons shall have an equal number of votes for the same office, so that no election shall be had, a new election shall be had for such officers as shall have had such equal number of votes."

**Sec. 2.** Also amend section nine of said act by striking out the words "street commissioner," in the first line of said section; so Section 9 amended. that said section as amended shall read as follows:

"**Sec. 9.** The assessors, attorney, treasurer, and such other officers Term of office. as shall be appointed by the common council, shall hold their offices for one year, and until others are elected or appointed."

**Sec. 3.** Also amend section thirteen of said act, by adding at the end of the section the following: "and the common council shall have power and authority to cause all grounds therein where water shall become stagnant to be raised, filled up, or drained, and when it shall be necessary to fill up, level, or drain any such grounds, it shall be lawful for the marshal of any such village, under the direction of the common council, to assess the cost or expense of filling up, leveling, or draining such grounds, and upon the return of such assessment, the recorder shall give notice by publication in all the papers published weekly in said village, of the time and place when the common council will meet to review said assessment, at which time or at some subsequent meeting, the said common council shall confirm the same, or increase or diminish the same as by them shall be deemed right and proper; and should the owner or occupant of such grounds, neglect or refuse for the period of thirty days after personal notice given him, her, or them, if a resident of said village, and if not, by a notice published in all the newspapers published weekly in said village for the period of four successive weeks, to pay the full amount of said assessment, or fill up, level, or drain such grounds, the said common council shall thereupon cause the said grounds to be filled up, leveled, or drained, and upon the same being completed, they shall have power and authority to sell or lease such premises, for the least number of years that will defray such charge or expense, giving thirty days' previous notice of the time and place of such sale, or leasing, in all the newspapers published weekly in said village, and such sale or leasing shall vest a full and legal title in and to such grounds for such term as the same may be sold or leased as aforesaid," so that the same, as amended, shall read as follows:

"**Sec. 13.** The common council shall have power to make by-laws General powers of common council. and ordinances relative to and regulating the duties, powers and fees of the marshal, treasurer, assessors, and other officers, relative to the

time and manner of working upon the streets, lanes, and alleys of said village, relative to the manner of assessing, levying, and collecting all highway and other taxes in said village, relative to the manner of grading, railing, planking, and paving all side-walks in said village, and to setting posts and shade trees, in all streets, lanes, and alleys in said village, to lay out, grade, and repair all streets, lanes and alleys, and to construct, make, and repair all bridges in said village, and for preventing the same from being obstructed, and for the prevention and abatement of nuisances within said village; and the common council shall have power and authority to cause all grounds therein where water shall become stagnant to be raised, filled up, or drained, and when it shall be necessary to fill up, level, or drain any such grounds, it shall be lawful for the marshal of any such village under the direction of the common council, to assess the cost or expense of filling up, leveling, or draining such grounds, and upon the return of such assessment, the recorder shall give notice by publication in all the papers published weekly in said village, of the time and place when the common council will meet to review said assessment, at which time or at some subsequent meeting the said common council shall confirm the same, or increase or diminish the same as by them shall be deemed right and proper, and should the owner or occupant of such grounds, neglect or refuse for the period of thirty days after personal notice given him, her, or them, if a resident of said village, and if not, by a notice published in all the newspapers published weekly in said village for the period of four successive weeks, to pay the full amount of said assessment, or fill up, level, or drain such grounds, the said common council shall thereupon cause the said grounds to be filled up, leveled, or drained, and upon the same being completed, they shall have power and authority to sell or lease such premises, for the least number of years that will defray such charge or expense, giving thirty days' previous notice of the time and place of such sale, or publishing in all the newspapers published weekly in said village, and such sale or leasing shall vest a full and legal title in and to such grounds for such term as the same may be sold or leased as aforesaid."

**Sec. 4.** Also amend section twenty-two of said act by adding at the end of the section the following: "*Provided*, That whenever the common council shall deem it necessary to raise a greater money tax in any one year than one-fourth of one per centum upon the valuation of said real and personal property, they shall give at least two weeks notice in writing, of a meeting of the electors of said village, who are property tax payers, to be posted up in at least five public places in said village, and by publication in all the papers published in said village, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended, and when such meeting shall be assembled, in pursuance of such notice, said electors shall by a two-thirds vote of those present at such meeting, determine the amount of money which shall be raised for each object specified in the notice: *And provided also*, That such tax shall not in any one year exceed the sum of one thousand dollars: *And provided also*, That not more than two meetings shall be held in any one year, to determine the amount of tax to be raised: *And provided further*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the marshal, who shall give to each person so assessed, notice of the time and place, when and where such labor will be required, and the money raised by such poll tax shall be expended in work upon the streets in said village," so that said section as amended shall read as follows:

"**Sec. 22.** The common council shall have power and authority to levy, assess and collect a money tax upon all real and personal property in said village, but such money tax upon said property shall not exceed in any one year one-fourth of one per centum upon the valuation of said real and personal property, and said common council may also assess and collect a highway tax in addition to the money tax aforesaid, not exceeding the rate of one day's work for every one hundred dollars valuation of such real and personal property, to levy and collect a poll tax upon every male inhabitant of said village, above the age of twenty-one years, not exceeding seventy-five cents per annum upon each person so taxed: *Provided*, That whenever the common council shall deem it necessary to raise a greater money

Section 22  
amended.

Authority &  
power of  
common  
council relative to certain taxes.

tax in any one year than one-fourth of one per centum upon the valuation of said real and personal property, they shall give at least two weeks notice in writing, of a meeting of the electors of said village who are property tax payers, to be posted up in at least five public places in said village, and by publication in all the papers published in said village, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the money proposed to be raised is to be expended, and when such meeting shall be assembled, in pursuance of such notice, said electors shall by a two-thirds vote of those present at such meeting, determine the amount of money which shall be raised for each object specified in the notice: *And provided also*, That such tax shall not in any one year exceed the sum of one thousand dollars: *And provided also*, That not more than two such meetings shall be held in any one year, to determine the amount of tax to be raised: *And provided further*, That any person assessed for a poll tax, may pay the same by one day's labor upon the streets, under the direction of the marshal, who shall give to each person so assessed, notice of the time and place, when and where such labor will be required, and the money raised by such poll tax shall be expended in work upon the streets in said village."

Section 24  
amended.

Sec. 5. Also amend section twenty-four of said act by adding at the end of the section, the following: "*Provided*, That whenever the common council shall be authorized by a vote of the property tax holders of said village to raise a tax for any specific purpose, and which cannot be included in the assessment roll as provided in this section, it shall be lawful for the common council to apportion such tax upon the property, according to the valuation, as contained in the then last village assessment roll, and shall place the tax in a column opposite the valuation of the property, and when such roll is completed, the recorder shall make and deliver a copy thereof to the marshal, together with a warrant signed by the president and recorder, commanding the marshal to collect the same, and make return of his proceedings, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof, and it shall be the duty of the marshal to collect said taxes within the time specified in said warrant, or within such further time as

the common council shall by resolution direct," so that said section ~~as amended~~ shall read as follows:

"Sec. 24. The common council, from the original assessment roll, shall make a duplicate, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, and setting down in separate columns the amount of money tax, the amount of highway tax, and the amount of poll tax, which duplicate shall be signed by the president and recorder, and shall be delivered to the marshal, with the warrant thereto annexed, specifying the time within which the taxes therein named shall be collected, which time shall not exceed ninety days from the date of such warrant; but such time may be extended by a renewal of the warrant, under the hands of the president and recorder, for a time not to exceed one hundred and fifty days from the date of the original warrant; and the marshal shall collect the same within the time specified in his warrant, and in such manner as the by-laws shall direct: *Provided*, That whenever the common council shall be authorized by a vote of the property tax-holders of said village to raise a tax for any specific purpose, and which cannot be included in the assessment roll as provided in this section, it shall be lawful for the common council to apportion such tax upon the property according to the valuation as contained in the then last village assessment roll, and shall place the tax in a column opposite the valuation of the property; and when such roll is completed, the recorder shall make and deliver a copy thereof to the marshal, together with a warrant signed by the president and recorder, commanding the marshal to collect the same, and make a return of his proceedings, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof, and it shall be the duty of the marshal to collect the said taxes within the time specified in said warrant, or within such further time as the common council shall by resolution direct."

Duty of council relative to taxes, &c.

Sec. 6. Also amend section twenty-seven of said act, by striking out the word "county," wherever the same occurs in said section, and inserting in its place the word "circuit," so that said section as amended shall read as follows:

Section 27 amended.



Proceedings  
relative to  
damages for  
right of way.

"Sec. 27. Whenever the common council shall lay out any new streets, lanes or alleys, or alter any old one, if the person owning the land through which such street, lane or alley, when so laid out or altered, shall pass, shall object thereto, and the common council cannot agree with such person or persons as to the amount of damage to be paid for such right of way, the common council, or any person owning such land, his agent or attorney, may file a petition setting forth the line and boundary of such street, lane or alley, with the recorder, and the recorder shall thereupon set a day, not more than twelve nor less than six days from the filing of said petition, for the hearing of the same, and may, if either party require it, and at such party's expense, cause a jury of six disinterested persons to be summoned to hear and determine upon the amount of damages to be allowed, and the verdict of jury, or judgment of the recorder, shall be conclusive as to the amount to be paid; and when the amount of said verdict or judgment shall be paid or tendered to the person entitled to the same after the right of appeal shall expire, the right of way described in said petition shall immediately vest in the common council: *Provided, however,* either party may appeal to the circuit court, as in other cases; and in case of appeal, the judgment of the circuit court thereon shall be final, and the common council shall, on the filing of such petition, make an offer of the amount which they will give to each person so interested and objecting, for such right of way, and if the person shall not recover a judgment or verdict before the recorder for a greater sum, such person shall pay all the costs, and if such person shall recover more than the amount so offered them, the corporations shall be liable for and pay all costs, and if such case be appealed to the circuit court, then the right of way aforesaid shall vest in [the] common council, upon the treasurer of the village paying or tendering the amount of such judgment to the person entitled to the same. Either party filing such petition as is provided for in this section, shall give security for all the costs that may accrue in the case, in such manner as securities are required to be given by the plaintiffs in civil cases before justices of the peace, and execution may issue to collect the amount thereof against such security, in case the party giving such security shall, by the judgment of the recorder or of the circuit court, in case the same is appealed, become

liable to pay such costs; a profile of such street, lane or alley, describing the boundaries thereof, shall be filed in the office of the recorder, and a copy thereof filed in the office of the register of deeds of the county of Jackson, duly attested by the recorder, under the seal of said common council."

Sec. 7. Also amend section twenty-eight of said act, by striking out the words "or the street commissioner," in the second and third lines of said section; so that the said section as amended shall read as follows:

"Sec. 28. Any person assessed for highway taxes in said village, may commute therefor by paying to the marshal of said village, at the time such person shall be required to work the same, at the rate of seventy-five cents for each day so assessed; and all highway taxes shall be estimated by the common council at the rate of seventy-five cents per day; and persons working upon the highway shall be required to work thereon not less than ten hours for one days work."

Sec. 8. Also amend section thirty of said act, by inserting after the word "year," in the first line of said section, the words "and before the second Monday of April;" so that said section as amended shall read as follows:

"Sec. 30. The assessors of said village shall, once in each year, and before the second Monday of April, make an assessment roll, containing a description of all the property, both real and personal, in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value; and when said roll shall be made and completed, they shall give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, stating the place where such roll is left for the inspection of all persons interested, and of the time when and place where they will meet to hear the objections of any person interested in the valuation so made by them; and at the time and place so appointed, the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation on sufficient cause being shown, on oath, to the satisfaction of the assessors; which oath the assessors

are hereby authorized to administer ; and if any person shall consider himself aggrieved by the final decision of said assessors, such person shall have the right of appealing from said decision, at any time within ten days thereafter to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such valuation ; and the common council may, at any time before the tax is collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or improperly described in such assessment roll."

Section 36  
amended.

Sec. 9. Also amend section thirty-six of said act, by inserting after the word "act," in the eighteenth line of said section, the words "from the valuation of the land by the assessors, to the date of the deed inclusive;" and also, by adding at the end of said section, the following : "any person claiming the land so sold, or any interest therein, may, within one year from the day of such sale, redeem the same by paying to the treasurer of said village the amount for which it was sold, together with the interest thereon, at the rate of ten per cent. per annum to the time of such payment;" so that said section as amended will read as follows :

Duty of  
marshal re-  
lative to sale  
of real es-  
tate for de-  
linquent  
taxes, &c.

" Sec. 36. Whenever any real estate shall be sold by said marshal for taxes, notice thereof shall be published in a newspaper printed in said village, once in each week, for at least four weeks; and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to the said lands described in the sale, shall not within one year from the date thereof pay the treasurer of said village, for the use of said purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of ten per cent. per annum, from the date of such certificate, the said marshal, or his successor in office shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold; which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, subject to all the claims the State may have thereon; and the said conveyance shall be prima facie evidence that the proceedings were regular, according to the provisions of this act, from

the valuation of the land by the assessors to the date of the deed inclusive ; and every such conveyance executed by such marshal, under his hand and seal, and witnessed and acknowledged by the proper officer, and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence, and all personal estate so sold, shall be in such manner as the common council may direct ; and the common council may, upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned by mistake or otherwise improperly, or for any other irregularity in the return and sale of such real estate, cancel the certificate of sale before the same has been deeded, and may therefore draw a warrant upon the treasurer for the amount of purchase money, and seven per cent. interest; and no deed shall thereupon be given upon such certificate of sale. Any person claiming the lands so sold, or any interest therein, may within one year from the day of such sale, redeem the same by paying to the treasurer of said village the amount for which it was sold, together with interest thereon at the rate of ten per cent. per annum to the time of such payment."

Sec. 10. Also amend section forty-seven of said act, by striking out the words "street commissioner," in the first and second lines of said section; so that said section as amended shall read as follows :

Section 47  
amended.

"Sec. 47. The recorder, treasurer, marshal, assessors, attorney, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the common council shall allow; but the president and trustees shall receive no pecuniary compensation."

Compensation.  
tion.

Sec. 11. This act shall take effect immediately.

Approved February 14, 1853.

[ No. 89. ]

AN ACT to amend section seven of chapter seventy-two of the revised statutes.

SECTION 1. *The People of the State of Michigan enact, That section seven of chapter seventy-two of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows :*

When judge  
of probate  
may renew  
commission.  
in case of  
failure of  
creditor to  
present  
claim.

"Sec. 7. On the application of a creditor who has failed to present his claim, if made at any time before the estate is closed, the judge of probate may revive the commission, and allow further time, not exceeding three months, for the commissioners to examine such claim; in which case the commissioners shall cause personally to be notified the parties of the time and place of hearing, and as soon as may be, make return of their doings to the probate court: *Provided, That* all costs and charges resulting from such application and the proceedings thereon, had in the probate court, shall be paid by the party making the application."

Sec. 2. This act shall take effect immediately.

Approved February 14, 1853.

[ No. 90. ]

AN ACT to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit Water Works.

Board of  
water com-  
missioners.

SECTION 1. *The People of the State of Michigan enact, That* Shubael Conant, Henry Ledyard, Edmund A. Brush, William R. Noyes, and James A. Van Dyke, be and they are hereby named and constituted as a "Board of Water Commissioners of the city of Detroit," who, and their successors in office, shall be known by the name and style of the "Board of Water Commissioners of the city of Detroit," and by that name shall have power to contract, sue and be sued, to purchase, hold and convey personal and real estate, to have a common seal, to alter and change the same at pleasure, to make by-laws and ordinances, and do all legal acts which may be necessary and proper to carry out the effect, intent and object of this act.

Powers of  
board.

Term of of-  
fice.

Sec. 2. The said commissioners shall hold their offices respectively for the term of three, four, five, six and seven years from the first Tuesday in May, of the year one thousand eight hundred and fifty-three; said commissioners shall, within sixty days after the passage of this act, decide by lot their respective terms, which decision shall be notified by a written statement to the common council of said city, which shall be entered of record on the books of the said common

Classifica-  
tion.

council; and at their first regular meeting in the month of April, in the year one thousand eight hundred and fifty-six, and annually thereafter, the said common council shall elect and appoint a citizen of said city, being a qualified voter and a freeholder, as a commissioner, who shall hold his office for five years from the first Tuesday in the May next following: *Provided*, That this section shall not be so construed as to disqualify any member of the said board for re-appointment; and in case of the death, or resignation, or removal from the city, of any of said commissioners, the common council shall, as soon thereafter as possible, appoint to fill such vacancy, for the remainder of the term, some citizen of said city, being a qualified voter and freeholder.

*Vacancies  
now supplied.  
ed.*

Sec. 3. The said commissioners shall choose one of their own number as president, who shall hold his office until the first Tuesday of May next ensuing the date of his election; they shall also appoint some suitable person as secretary, who shall hold his office at the pleasure of the board; and in case of the death, resignation, or removal from the city of the president, the said commissioners shall have power to fill the vacancy so happening, as in the first instance.

*President &  
secretary;  
how chosen.*

Sec. 4. The said commissioners shall have power to loan, from time to time, upon the best terms they can make, after giving public notice by advertising in the city papers for sixty days, and in one paper in Boston, and two in New York, for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent per annum. And it shall be the duty of said commissioners to cause to be kept an accurate register of all the bonds issued by them, shewing the number, date, and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the auditor of said city a copy of such register, as soon as the same is made, which shall be preserved by said auditor, and copied into the records of said city.

*Power of  
commission-  
ers to loan  
money.*

*Limitation.*

*Authority  
of commis-  
sioners to  
issue bonds.*

*Register of  
bonds issued  
to be kept.*

**Duty of commissioners relative to supply of water.** Sec. 5. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the city of Detroit with a sufficient quantity of pure and wholesome water, to be taken from the Detroit river, or such other source as may be deemed expedient, for the use of its inhabitants.

**Duty and compensation of persons employed by commissioners.** Sec. 6. Said commissioners shall have power to employ superintendents, clerks, collectors, assessors, engineers, surveyors, and such other persons as, in their opinion, may be necessary to enable them to perform their duties under this act, and to specify the duties of such persons so employed, and to fix their compensation: *Provided*, That in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

**General powers and duties of commissioners.** Sec. 7. Said commissioners shall have power, and it is hereby made their duty, as soon as may be, after the necessary funds have been procured, as herein provided, to purchase such land and materials, and to construct such reservoirs, buildings, machinery, and fixtures as shall be deemed necessary or desirable to furnish a full supply of water for public and private use in said city.

**Ibid.** Sec. 8. Said commissioners shall have power to construct reservoirs, jets and fire hydrants, at such localities in said city as they may deem expedient and necessary, and to lay pipes in and through all the alleys and streets of said city; and also to construct in such localities as they may deem expedient, not exceeding one to each block, hydrants for public use, and to keep the same in repair; and also, with the consent of the common council of said city, to construct fountains in the public squares, or such other public grounds of said city as they shall deem expedient.

**Assessment of water-rates.** Sec. 9. Said commissioners shall, from time to time, cause to be assessed the water-rate to be paid by the owner or occupant of each house or other building having or using water, upon such basis as they shall deem equitable; and such water rate shall become a continuing lien, until paid, upon such house or other building, and upon the lot or lots upon which such house or other building is situated.

**Power of commissioners relative to collection of water-rates.** Sec. 10. Said commissioners shall have full power to make and enforce all necessary by-laws, rules and regulations, for the collection of said water-rates, either by the appointment of collectors to demand the same, requiring payment at the office, shutting off the water, or by a

suit at law before any court of competent jurisdiction, or by sale of the lot or premises, upon which such rates shall have become a lien : *Provided*, That such sales shall be conducted in the same manner, and shall have the same force, virtue and effect, of sales of lots delinquent for city taxes : *And provided further*, That the attempt to collect said rates by any process above mentioned, shall not in any way invalidate the lien upon said lot or premises.

Sec. 11. The said commissioners shall cause to be kept an accurate <sup>Record.</sup> record of all proceedings, together with a list of all assessments for water rates, which shall be subject to inspection at all times.

Sec. 12. It shall be the duty of said commissioners to make report <sup>Report.</sup> to the common council of said city annually, which report shall embrace a statement of the condition and operations of the works ; a statement of the funds and securities of said board, and all debts due and owing to and from said board, together with an accurate account of their expenses ; which statement shall be certified by said commissioners, and shall be entered of record by the clerk of said city, and published in such manner as said common council may direct.

Sec. 13. Whenever the receipts of said board, from water rates or other sources, shall accumulate so that there shall be a surplus, <sup>Surplus fund; how to be disposed of.</sup> amounting to a sum of not less than five hundred dollars, not needed for the payment of the current expenses or the extension of said works, it shall be the duty of the commissioners, together with the auditor of said city, who shall be associated with them for that purpose, to invest the same in some safe stocks, or upon other real or personal securities. Such investment shall be made in the name of said board, and in such manner as to make the same available for the payment of interest and principal of the bonds issued as aforesaid, as soon as may be. It shall be the duty of said commissioners to pay the interest on such bonds, and as fast as such surplus fund will permit, also the principal, as the bonds become due, as funds for such purpose shall from time to time accumulate. The said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the same have become due or not ; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue



new bonds for such amount, and on such time as they shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be cancelled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Oath of of-  
fice.

Sec. 14. Before entering upon the duties of their office, said commissioners shall each take and file with the city clerk an oath or affirmation similar to that provided in the case of other officers of said city.

When ma-  
terials to be  
exempt fr'm  
execution.

Sec. 15. All materials, procured or partially procured, under a contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the money due for such materials to the judgment creditor of the contractor, under whose execution such material might otherwise have been sold, upon his producing to them due proof that his execution would have so attached; and such payment shall be held a valid payment on the contract.

Member of  
board may  
be removed  
for sufficient  
cause.

Sec. 16. Any member of said board of commissioners, may at any time be removed by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on their journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against the commissioner sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned; and in case of such removal, the common council shall, at their first regular meeting, or as soon thereafter as may be, appoint some person, being a citizen and a freeholder, to fill such vacancy; and the person so appointed to fill such vacancy, may continue in office for the period his predecessor had to serve.

Vacancies;  
how filled.

Authority  
of commis-  
sioners rela-  
tive to en-  
tering upon  
lands, &c.,  
for certain  
purposes.

Sec. 17. The said commissioners, and under their direction, their agents, servants and workmen, are hereby authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of any property, which may be required by the purposes of this act, as to the amount of compensation to be paid to such owner.

Damages;  
how estima-  
ted in case  
of disagree-  
ment of par-  
ties.

Sec. 18. In cases of a disagreement between the commissioners and the owner of any property which may be required for the said purposes, or affected by any operation connected therewith, as to the

amount of compensation to be paid to such owner; or in case any such owner shall be an infant, a married woman, or insane, or absent from this State, the judge of the circuit court of Wayne county may, upon the application of either party, nominate and appoint three disinterested persons to examine such property, and to estimate the value thereof or damage sustained thereby, and to report thereon to the said court without delay. Report.

Sec. 19. Whenever such report shall have been confirmed by the circuit judge of Wayne county, the said commissioners shall pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon the said commissioners shall become seized in fee of such property so required, and shall be discharged from all claim by reason of any such damage. Amount of damages reported; how disposed of.

Sec. 20. And in case of the refusal by any owner or owners, person or persons, to receive such sums awarded to them for property required or damages sustained, then the said commissioners shall deposit with the city treasurer the sums so awarded, subject to the draft of said owner or owners, person or persons; and thereupon the said commissioners shall become seized in fee of such property so required, and shall be discharged from all claim by reason of any such damage; and said city treasurer shall keep strict account of all sums so deposited, and shall pay out the same on the drafts of the owner or owners, person or persons, to the credit of whom such moneys may have been deposited. Duty of commissioners when parties refuse to receive sums awarded.

Sec. 21. If any person shall wilfully do or cause to be done, any act whereby any work, materials or property whatsoever, erected or used within the city of Detroit or elsewhere, by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or shall wilfully pollute the water, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished therefor as other misdemeanors are punished. Penalty for wilful misdemeanor.

Sec. 22. If any person shall, without the authority of the said commissioners, as delegated through any of their agents, perforate or bore, or cause to be perforated or bored, any distributing pipe or Penalty for certain offences.

main log, belonging to the water works of said city, or make or cause to be made any connection or communication whatever with the said pipes or logs, every person so offending shall for each offence forfeit a sum not exceeding fifty dollars and costs of prosecution, to be recovered in the mayor's court of said city, or other court of competent jurisdiction.

Power of  
commission-  
ers relative  
to extend'n  
pipes, mains  
&c.

Sec. 23. The said commissioners, in their discretion, shall have power to extend the distributing pipes and mains, and to construct reservoirs, hydrants and jets without the limits of said city; and to regulate, protect and control such portions of said water works without the bounds of said city, in and after the same manner that they regulate, protect and control said works within said bounds.

Duty of  
commission-  
ers.

Sec. 24. It shall be the duty of said commissioners, at least thirty days before the time fixed by the ordinance of said city for assessing city taxes, to make a special report to the common council of said city, what, if any sum, will be needed by said commissioners over and above the revenue of said board, to meet the payment of interest or principal of the bonds issued as aforesaid; and it shall be the duty of the common council to raise said amount by special tax in the same manner as general taxes, to be designated a water tax; and the said amount shall be paid over to said board by the treasurer of said city.

Commission-  
ers may not  
be interest-  
ed in any  
contract.

Sec. 25. No one or more of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Certain prop-  
erty vested  
in board of  
commission-  
ers.

Sec. 26. All lands, lots, docks, buildings, machinery, pipes, logs, hydrants, and all fixtures whatsoever, purchased, designated or used for the present water works of the said city of Detroit, are hereby conveyed to and vested in said board of commissioners, who shall have full power to regulate, protect and control the same; and all the authority, rights and power heretofore exercised and had by said city over said works, are hereby continued to and vested in said board of commissioners.

- . 27. The said commissioners are hereby invested with, full Power of board relative to by-laws, &c.  
to make and enforce such by-laws, regulations and ordinances  
y be necessary to carry into effect the object and intent of this  
nd to supply any power or mode not already specified herein,  
hall cause all such by-laws, regulations and ordinances to be  
d into a book to be kept for that purpose, and signed by the  
ent and secretary, which, when so entered and signed, shall be  
ce in any court of justice.
- . 28. All acts or parts of acts contravening the provisions of  
st are hereby repealed.
- . 29. This act may at any time be altered, repealed or amended.  
proved February 14, 1853.

[ No. 91. ]

ACT supplementary to an act to define the limits, jurisdiction  
powers of Circuit Courts, approved April eighth, eighteen  
dred and fifty-one, and to repeal an act supplementary to said  
approved June twenty-seventh, eighteen hundred and fifty-

tion 1. *The People of the State of Michigan enact,* That all  
of law shall be tried by the court, and all the issues and ques- Issues of law or questions of fact; how tried.  
if fact shall be tried by the court, unless a jury be demanded  
e of the parties, in a manner prescribed by the rules of court:  
*led,* That in all actions of tort, it shall be competent for the  
to order the cause to be tried by a jury.

. 2. Upon the trial of a question of fact by the court without  
, the decision of the court shall be given in writing, and filed Decision of court; how given.  
e clerk on or before the first day of the term succeeding that  
ch the cause was submitted.

3. In giving the decision, the court shall specify the facts  
and the conclusions of law thereon, upon the request of either Ibid.

4. Either party desiring a review upon the evidence appearing  
trial, either of the questions of fact or of law, may, within Review of evidence.  
me as shall be prescribed by the rules of court, make a bill of  
ons, in the same manner, and with the same effect as upon a

trial by a jury, or a case, containing so much of the evidence as may be material to the question to be raised.

Sec. 5. The bill of exceptions or case shall be settled as provided by the rules of court.

Clerk's judge  
to transmit  
judgment,  
&c.

Sec. 6. In all civil causes submitted to any circuit court in term time for decision, it shall be competent for the circuit judge to transmit to the clerk or register of such court in vacation, his judgment, order or decree in said cause, specifying in judgment at law the facts found, and the conclusions of law thereon; and thereupon it shall be the duty of the clerk or register to enter in the proper record such judgment, order, or decree, as of the last day of the preceding term; which judgment, order or decree, shall have the same force and effect as if rendered in term time, and execution may issue thereupon as in other cases.

Duty of  
clerk or reg-  
ister, rela-  
tive thereto.

Notice of  
entry to be  
given.

Sec. 7. Notice of the entry of such judgment, order or decree, shall be given by the clerk or register, in such manner as the circuit court shall, by general or special order direct, to the parties, their attorneys or solicitors.

Time; how  
computed  
when writ  
of error or  
appeal is ta-  
ken.

Sec. 8. The time prescribed by law within which a writ of error or appeal is to be taken, shall, when the judgment or decree is rendered in vacation, be computed from the day when such judgment or decree shall be actually entered by the clerk or register.

Provisions of  
chapter 103,  
R. S. of 1846,  
as amended;  
when appli-  
cable.

Sec. 9. The provisions of chapter one hundred and three of the revised statutes of eighteen hundred and forty-six, as amended, shall be applicable to the returning, drawing, summoning and empanneling of grand and petit jurors, in all cases that are now pending, or may hereafter be commenced in the several circuit courts of this State, with all the provisions relating thereto; and the jurors so returned, drawn, summoned, and empaneled, shall constitute the jury in all the matters which are, by law, to be investigated by a grand or petit jury.

Act No. 179  
of 1851, re-  
pealed.

Sec. 10. That the act entitled an act supplementary to an act to define the limits, jurisdiction and powers of circuit courts, approved April eighth, eighteen hundred and fifty-one, providing the mode of trying causes in the circuit court without a jury, approved June twenty-seventh, eighteen hundred and fifty-one, be and the same is hereby repealed.

Approved February 14, 1853.

[ No. 92. ]

AN ACT to amend sections five and six of an act to organize the county of Cheboygan.

SECTION 1. *The People of the State of Michigan enact, That* section five of an act to organize the county of Cheboygan, approved January twenty-nine, eighteen hundred and fifty-three, be amended by striking out in the second line the word "west," and inserting "east;" so that said section will read as follows :

Sec. 5 of act No. 20 of 1853, amended.

"Sec. 5. All that part of the township of Cheboygan which lies east of the middle of the main channel of Mullet Lake and Cheboygan River, and of a line extended due north from the mouth of said river to the north bounds of the county, shall be organized into a separate township, by the name of Duncan; and the first township meeting therein shall be held at the hotel in the village of Duncan."

Boundaries of the township of Duncan.

Sec. 2. That section six of said act be amended so as to read as follows:

Section 6 amended.

"Sec. 6. The county seat of said county is hereby fixed and established at the village of Duncan, on Cheboygan Bay, in said county."

County seat.

Approved February 14, 1853.

[ No. 93. ]

AN ACT making an appropriation to aid the Michigan State Agricultural Society, and to provide for publishing the annual reports of said Society.

SECTION 1. *The People of the State of Michigan enact, That there* be and is hereby appropriated out of the treasury of this State, the sum of one thousand dollars, each year, for the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, to the Michigan State Agricultural Society, for the payment of premiums, to be paid by the State Treasurer to the treasurer of said society, on the warrant of the Auditor General: *Provided, That the treasurer of* said society shall, on or before the fifteenth day of October in each year, make, subscribe, and deposit with the Auditor General, his affidavit that said society has raised for the year a like sum of one thousand dollars, by voluntary subscriptions and fees of membership.

Appropriation for 1853 and 1854.

Provided.

**Annual report of Michigan State Ag. Society.** Sec. 2. That two thousand copies of the annual report of the Michigan State Agricultural Society be printed and bound annually, under the supervision of the Secretary of State, in the same manner and form as the report of the Superintendent of Public Instruction for the year eighteen hundred and fifty-two; and when so completed, **Duty of Secretary of State relative thereto.** the Secretary of State shall reserve thirty copies for the use of the State Library, and shall deposit with the Auditor General, one copy for each organized township in this State, to be sent by him to each township for the use of the library thereof, and the remaining copies shall be forwarded by the Secretary of State to the secretary of the Michigan State Agricultural Society, for the use of said Society, under the control of the executive committee.

Approved February 14, 1853.

[ No. 94. ]

AN ACT to amend section two of chapter one hundred and three of revised statutes of eighteen hundred and forty-six, relative to trial of issues of fact.

**Sec. 2, chapter 103, R. S. 1846, amended.**

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter one hundred and three of the revised statutes of eighteen hundred and forty-six be amended so as to read :

**Issues of fact; where tried.**

“Sec. 2. Issues of fact joined in such actions shall be tried in the proper county, as follows :

1. Actions for the recovery of any real estate, or for the recovery of the possession of real estate, actions for trespass on land, and actions of trespass on the case, for injuries to real estate, shall be tried in the county where the subject of the action shall be situated :

2. Actions of slander, for libels, and all other actions for wrongs, and upon contracts, shall be tried in the county where one of the parties shall reside at the time of commencing such action, unless the court shall deem it necessary for the convenience of parties and their witnesses, or the purposes of a fair and impartial trial, to order any such issues to be tried in some other county ; in which case the same shall be tried in the county so designated.”

Approved February 14, 1853.

[ No. 95. ]

**N. A. C. T.** to authorize the Governor to convey certain land to the "First Universalist Church," and the "First Wesleyan Methodist Church and Society," in Lansing.

**SECTION 1.** *The People of the State of Michigan enact,* That the Governor be and he is hereby authorized and required to make, execute and deliver to the proper officers of the "First Universalist Church" in Lansing, capable of receiving deeds and conveyances of land, a deed of any lot in the village of Lansing heretofore selected and set apart for the First Universalist Society in Lansing, by virtue

Duty of Governor relative to execution & delivery of deed to the First Universalist Church in Lansing.

"an act granting to school districts and religious denominations of professing christians, suitable grounds in the town of Michigan, owned by the State, whereon to erect houses for public worship and school houses," approved April third, eighteen hundred and forty-eight: *Provided,* That said deed shall not be delivered until satisfactory proof shall be made to the Governor of the due organization of said First Universalist Church in Lansing, and the election or appointment of its officers, according to the provisions of law.

Proof of organization necessary.

**Sec. 2.** The Governor is hereby authorized and required to make, execute and deliver to the proper officers of the "First Wesleyan Methodist Church and Society" in Lansing, capable of receiving deeds and conveyances of land, a deed of any lot in the village of Lansing, heretofore selected and set apart for the "First Wesleyan Methodist Church and Society" in Lansing, by virtue of "an act granting to school districts and religious denominations of professing christians, suitable grounds in the town of Michigan, owned by the State, whereon to erect houses of public worship and school houses," approved April third, eighteen hundred and forty-eight: *Provided,* That said deed shall not be delivered until satisfactory proof shall be made to the Governor of the due organization of said "First Wesleyan Methodist Church and Society" in Lansing, and the election and appointment of its officers, according to the provisions of law.

Duty of Governor relative to deed.

Proviso.

**Sec. 3.** That the Governor of this State is authorized to issue to any proper officer or officers of any "Catholic Church or Society" which is now or may hereafter be located in the village of Lansing, a patent for such lot as such Church or Society may select in the vil-

Authority of Governor to issue patent to Catholic Church or Society, Lansing.



lage of Lansing, now owned by the State, for the purpose of erecting and maintaining a house of worship thereon; the issuing of such patent to be controlled by the provisions of sections one and two of this act, and no more than one lot shall be patented under this section.

Approved February 14, 1853.

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[ No. 96. ]

AN ACT to amend sections seventeen and eighteen of chapter one hundred and three of the revised statutes of eighteen hundred and forty-six.

Sections 17  
and 18, chap.  
103, R. S. of  
1846 amend-  
ed.

SECTION 1. *The People of the State of Michigan enact, That sections seventeen and eighteen of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows :*

Duty of  
clerk rela-  
tive to  
drawing of  
jurors,

“ Sec. 17. At least three days before the drawing of such jurors, the clerk shall give notice to the sheriff and two justices of the peace of said county, of the day and hour when such drawing will take place.”

Duty of  
Sheriff.]

“ Sec. 18. At the time so appointed, it shall be the duty of the sheriff of the county, in person, or by his under sheriff, and the justice aforesaid, to attend at the clerk's office of the county, to witness such drawing; and if any two of said officers shall attend at the time and place appointed, the clerk shall proceed in their presence to draw the jurors.”

Sec. 2. This act shall take effect immediately.

Approved February 14, 1853.

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[ No. 97. ]

AN ACT to provide for a meeting of the State Board of Equalization in eighteen hundred and fifty-three.

Board of  
Equalizat'n;  
when and  
where to  
meet.

SECTION 1. *The People of the State of Michigan enact, That the State Board of Equalization be and they are hereby required to meet at the Capitol, in the village of Lansing, on the third Monday of August, in the year one thousand eight hundred and fifty-three, and*

after organizing as required by law, shall proceed to examine the <sup>Their du-</sup> tabular statements of the board of supervisors of each county provided for in the fourth section of this act, and to hear the representatives from the several boards of supervisors as hereinafter provided, and they shall determine whether the relative valuation between the several counties is equal and uniform, according to location, soil, improvements, productions and manufactures; and also, whether the personal estate of the several counties has been uniformly estimated; according to the best information which can be derived from the statistics of the State, or from any other source.

Sec. 2. If after such examination such assessment shall be determined <sup>Assessm'ts deemed rel-</sup> relatively unequal, they shall equalize the same by adding to or <sup>atively une-</sup> deducting from the aggregate valuation of taxable real and personal <sup>qual; how</sup> estate in such county or counties, such an amount as will produce <sup>equalized.</sup> relative equal and uniform valuations between the several counties in the State, and the amount added to or deducted from the valuation in each county shall be entered upon their records; and the valuations of the several counties, as equalized, shall be certified and signed by the chairman and secretary of the board, and filed in the office of the Auditor General, and shall be the basis for apportioning all State taxes until another equalization shall be made.

Sec. 3. It shall be the duty of the Auditor General, as soon as may <sup>Duty of Au-</sup> be after the determination of the State Board of Equalization shall <sup>ditor Gene-</sup> be filed in his office, as provided in the preceding section, to send a <sup>ral.</sup> certified transcript of the same to the treasurer of each county, who shall cause the same to be published in one or more papers in the county.

Sec. 4. A meeting of the board of supervisors for the year <sup>Meeting of</sup> eighteen hundred and fifty-three, shall be held on the second Mon- <sup>board of su-</sup> day of June of said year; and when convened, the board shall pro- <sup>pervisors</sup> ceed to equalize the assessment rolls, and their clerk shall certify and <sup>when held.</sup> return such equalization to the Auditor General in the manner and <sup>Duties of</sup> at the time prescribed by the act establishing a State Board of Equal- <sup>board.</sup> ization, approved April seventh, eighteen hundred and fifty-one, ex- <sup>Duty of</sup> cept as herein otherwise provided. <sup>clerk.</sup>

Approved February 14, 1853.

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# RESOLUTIONS.

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[ No. 1. ]

**RESOLUTION** of a vote of thanks to Capt. A. Canfield.  
*Resolved by the Senate and House of Representatives of the State of Michigan,* That the thanks of the Legislature of the State of Michigan be tendered to Capt. A. Canfield, of the Topographical Corps Engineers of the United States, for his voluntary and valuable services to this State, in the survey, plans and estimates, as presented to this Legislature, for the construction of the Sault Ste. Marie

passed January 14, 1853.

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[ No. 2. ]

**RESOLUTION** authorizing the appointment of watchmen  
about the capitol.

*Resolved by the Senate and House of Representatives,* That the Secretary of State be authorized to employ two suitable persons, to act as night watch in and about the capitol, during the session of the Legislature, for the prevention of fires ; to be paid out of the State treasury.

passed January 14, 1853.

# RELOLUTIONS.

[ No. 3. ]

JOINT RESOLUTION relative to the printing of a Manual.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Committee on Printing, in the Senate and House of Representatives, are requested to procure the publication of one copy of a Manual for each member of the Senate and House of Representatives and the officers thereof, containing the same subject matter as the Manual of the last session.

Approved January 14, 1853.

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[ No. 4. ]

JOINT RESOLUTION.

*Be it resolved by the Senate and House of Representatives of the State of Michigan,* That the terms of the Supreme Court to be held at Lansing, agreeably to an act entitled "an act to provide for the organization and powers of the Supreme Court," approved April fourth, eighteen hundred and fifty-one, shall, until a court room be provided therefor, be held in the library room in the State Capitol; and the Secretary of State is hereby directed to make the necessary arrangements for the suitable accommodation of said Court.

Approved January 19, 1853.

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[ No. 5. ]

JOINT RESOLUTION relative to the erection of certain Light Houses on Lakes Superior and Michigan.

*Whereas,* It is deemed important and necessary, for the safe navigation of the waters of Lakes Superior and Michigan, ~~that~~ light houses be erected by the United States at the following points, viz: On Lake Superior, one on the Island off Point Aux Ouches, at the head of St. Mary's River; one at Point Irequois; one at the entrance of Grand Island Harbor; [one at the west entrance of Grand Island Harbor;] and one at Madeline Island, off La Point; two at suitable places on Isle Royal; and one on Stannard's Rock: and

## RESOLUTIONS.

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n Lake Michigan, one at Old Mackinaw Point, and one at Beaver Harbor ; one at the mouth of the Manistee River ; one at the mouth of the Pierre Marquette River, and one at the mouth of the White River, on the east side of Lake Michigan ; and one on the west end of Hog Island, in Detroit River ;

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be and they are hereby requested, to use their influence with the proper authorities at Washington, to procure the speedy erection of said light houses.

*Resolved,* That the Governor be requested to forward a copy of his preamble and resolutions, to each of our Senators and Representatives in Congress.

Approved January 19, 1853.

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[ No. 6. ]

### JOINT RESOLUTION relative to certain school lands.

*Resolved by the Senate and House of Representatives,* That the Commissioner of the State Land Office be and he is hereby authorized and directed to restore to Gardner D. Williams, all the rights which have become forfeited in consequence of non-payment of interest on primary school lands, in the township of Saginaw, in Saginaw county, certificates numbered three thousand two hundred and twenty, for north-west quarter of north-west quarter of section sixteen, town twelve north, range four east: *Provided,* The said Williams shall, on or before the first day of March next, pay or cause to be paid to the State Treasurer all arrearages of principal, interest and penalties accruing on said lands, in consequence of neglect to pay the interest as prescribed by law.

This resolution shall take effect immediately.

Approved January 20, 1853.

## RESOLUTIONS.

[ No. 7. ]

**JOINT RESOLUTIONS** asking an additional donation of the public lands to the Michigan University Fund.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators be instructed and our Representatives in Congress be requested to use their exertions to procure the passage of an act by Congress, granting to the University of Michigan three townships of land in the State of Michigan, to be and remain a perpetual fund of that institution; the same to be selected by an agent appointed by the Governor, or in such manner as Congress may direct.

*Resolved,* That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolutions.

Approved January 21, 1853.

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[ No. 8. ]

**JOINT RESOLUTION** relative to a grant of lands to aid in constructing a rail road to the Upper Peninsula of Michigan.

*Whereas,* Congress, by grant of lands to several States to aid in constructing certain railroads, has established the precedent of making such grants for roads national in their character;

*And whereas,* There exists upon the south shore of Lake Superior numerous and rich mines of iron and copper, now sought to be worked by citizens of many States;

*And whereas,* It is at present impossible for those inhabiting the mining country to export the products of their labor, or to receive supplies during seven months, in every year;

*And whereas,* The growing wants of that country, and the various commercial interests which exist between it and other portions of the State and other States, require permanent and reliable means of intercourse;

*And whereas,* Such object, national in its character, would be attained by the construction of a rail road running mainly through gov-

## RESOLUTIONS.

ernment lands, bringing them into market and aiding their sale, settlement and improvement; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to urge the passage of a law by Congress granting lands to aid in the construction of a rail road from Pontiac, the present terminus of the Detroit and Pontiac rail road, to the shore of Lake Michigan, in the county of Mason, in the State of Michigan, and from the opposite shore at or near Manitowoc, Wisconsin, to Ontonagon river, on Lake Superior, with a branch to Kewawanaw Point, and also a branch to the vicinity of Iron Bay.

*Resolved,* That the Governor be requested to forward copies of the foregoing preamble and resolution to the Senators and Representatives in Congress from this State.

Approved January 24, 1853.

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[ No. 9. ]

JOINT RESOLUTION relative to the claim of the State against A. St. Amand, late Treasurer of Genesee County.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be and he is hereby authorized and required to receive propositions for the settlement and adjustment of the claim of the State against Augustus St. Amand, late treasurer of Genesee county, and the suit now pending against him, and to settle and adjust the same, if practicable, on such terms and in such manner as to him shall seem most advisable; and that he be authorized, in adjusting the same, to make all necessary contracts or agreements in regard to incumbrances on the property attached in said suit, for the removal of the same by relinquishing a portion of the property attached or otherwise, and to take and receive said property, or other property, in the settlement or adjustment of said claim, on such terms and at such prices as shall seem reasonable after due investigation: *Provided,* said claim shall not be settled for a sum less than the amount due, after deducting necessary expenses and costs of suit and collection, unless in the opinion of the Auditor General it would be for the interest of the State so to do; and unless the



## RESOLUTIONS.

property attached is found to be of not sufficient value, over and above the incumbrances, to liquidate the same.

This joint resolution shall take effect immediately.

Approved January 24, 1853.

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[ No. 10. ]

JOINT RESOLUTION requiring the trustees of the Michigan Central College, at Spring Arbor, to report, as required by the fifth section of the act of incorporation.

*Resolved by the Senate and House of Representatives, That the trustees of the Michigan Central College, at Spring Arbor, be required to report to this Legislature during its present session, its financial condition, in accordance with section five of an act of incorporation of said College, and that the Secretary of State immediately transmit a copy of this resolution to said trustees.*

Approved January 27, 1853.

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[ No. 11. ]

JOINT RESOLUTION relative to the Tecumseh and Ypsilanti Rail Road Company.

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and required, to make examination of the matters of difference between the Ypsilanti and Tecumseh Rail Road Company and the State, as also of the claims of relief of the several persons who became sureties for said company, for the loan made of the State ; and upon such examination the said board shall grant such relief as they or a majority of them shall deem just and equitable: *Provided, They shall not be authorized to make any allowance of money to be paid out of the treasury.**

*Resolved, That said Board of Auditors, in case they shall deem it just and equitable to release any securities given to the State on account of said loan, shall, under their hand and seal, grant a certificate of such release, which shall be entitled to be placed on record in any register's office where said securities may be recorded: *Pre-**

## RESOLUTIONS

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*vised*, That this resolution, or any action under it, shall in no case be construed as in any wise recognizing any right of said company, or any parties claiming under it, to construct, own stock, or run any rail road, by virtue of any chartered rights heretofore granted.

Approved January 29, 1853.

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[ No. 12. ]

JOINT RESOLUTIONS relative to the Public Domain.

*Resolved by the Senate of the State of Michigan, the House of Representatives concurring herein*, That our Senators and our Representatives in Congress be requested to use their influence to procure the passage of a law securing the title to every landless head of a family, free of charge, one hundred and sixty acres of land from our public domain, who shall settle and cultivate the same for five years.

*Resolved*, That the Governor be respectfully requested to transmit a copy of this resolution to our Senators and Representatives in Congress.

Approved January 29, 1853.

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[ No. 13. ]

CONCURRENT RESOLUTION relative to Stannard's Rock, in Lake Superior.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That in view of the imminent danger to the safety of navigation of Lake Superior, in consequence of Stannard's Rock (so called) being situated in or near the sailing route between the south-east end of Kewawanaw Point and the harbor of Grand Island, and the river St. Mary's, many miles from land; that our Senators and Representatives in Congress be requested to take the most prompt and efficient measures practicable to procure a survey of the positions and dimensions of said rock, and such other means as shall secure the safety of navigation in its vicinity.

Approved January 29, 1853.

## RESOLUTIONS.

[ No. 14. ]

**JOINT RESOLUTION** relative to the distribution of the *Session Laws, Journals and Documents of the Legislature, for the year eighteen hundred and fifty-three.*

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the members and officers of the present Legislature be and they are hereby entitled to one copy of the Session Laws passed in the year eighteen hundred and fifty-three; also the Journals and Documents of the Legislature of said year; and the Secretary of State be and he is hereby authorized and required to forward one copy of each to the several members and officers of this Legislature by forwarding the same to the county clerk of the several counties of this State in which the members or officers reside, so soon as the same may be printed, bound, and ready for delivery.

Approved January 31, 1853.

[ No. 15. ]

**JOINT RESOLUTION** relative to Contingent Fund.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be and he is hereby authorized and required to transfer on the books of his office to the general fund, all moneys now in the contingent fund and unappropriated, except the sum of one thousand dollars, which shall be retained to the credit of said contingent fund.

*Resolved,* That this resolution shall be in force from and after its passage.

Approved February 3, 1853.

[ No. 16. ]

**JOINT RESOLUTION** relative to issuing a duplicate warrant to Isaac N. Swain.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be and he is hereby authorized to issue to Isaac N. Swain, a duplicate warrant on the Internal Im-

## RESOLUTIONS.

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provement Fund, for Warrant Number 7536, dated February 8th, 1843, for thirty-four and twenty-sixth hundredth dollars, upon satisfactory evidence being given to the Auditor General that said warrant has been lost: *And provided*, That the said warrant has not heretofore been paid by the State: *Provided*, Said Isaac N. Swain, or some other person on his behalf, shall first give to the State of Michigan a good and sufficient bond, to be approved by the Auditor General, indemnifying the State against the payment of the said warrant heretofore issued.

Approved February 4, 1853.

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[ No. 17. ]

### JOINT RESOLUTION relative to the Chippewa Indians of Lake Superior.

*Whereas*, By articles of treaty made and concluded at La Pointe, of Lake Superior, October fourth, eighteen hundred and forty-two, between the United States and the Chippewa Indians of the Mississippi and Lake Superior, the country occupied by said Indians was ceded to the United States; and in consideration of said cession, the United States engaged "to pay to the Chippewa Indians of the Mississippi and Lake Superior, annually, for twenty-five years, twelve thousand five hundred dollars in specie; ten thousand five hundred dollars in goods," and other payments, and to provide certain officers, schools, &c., for said Indians;

*And whereas*, It also provided by said treaty that said annuities "shall henceforth be equally divided among the Chippewas of the Mississippi and Lake Superior, party to this treaty, so that every person shall receive an equal share;" which said annuities to that portion of said Chippewas residing in the Lake Superior district have heretofore, until about two years past, been paid at La Pointe, of Lake Superior, and for the past two years have not been paid to said Chippewas of Lake Superior, in consequence of their great distance from the present point fixed for said payments, at Sandy Lake, near the head waters of the Mississippi, which point they are unable to reach, and return to their homes on Lake Superior before the rigors of winter have barred their passage;

## RESOLUTIONS.

*And whereas,* It is believed the cause of the change in place of payment on the part of the United States, is owing to the desire of the general government to hasten the removal of said Chippewas of Superior, to lands not ceded in said treaty, the policy and propriety of said removal being, in our opinion, based upon the belief which has gained strength from the usual degeneration of the habits of Indians at the approach of civilization, that they are unfitted to become useful citizens, and their presence pernicious to the promotion of morality, christianity, and the arts and improvements of civilized life;

*And whereas,* That portion of said Chippewas embraced in said treaty, now settled at L'Ance and vicinity, on Lake Superior, in the State of Michigan, who have been unable to receive their share of said annuities for the past two years, for the reasons aforesaid, now number upwards of one hundred families; have abandoned the wandering habits and war-like pursuits which characterize the red men of the forest, for the peaceful occupations and christian precepts of the white man; have learned our language and our laws, and cordially yield obedience thereto; have accepted the boon tendered to them by the people of the State of Michigan, on the adoption of its constitution, by disbanding their organization in tribes, and becoming electors under that constitution; have exercised the right of suffrage in a manner which shows their intelligence and discrimination, and their fitness for the enjoyment of the high privileges of American citizens; have purchased and become the actual and legal owners of tracts of land to the amount of about one thousand acres, upon which they now reside, and much of which they have cultivated and improved; have learned and are now in the constant practice of the arts of husbandry and the mechanic arts; raise a considerable amount of stock, grains and vegetables, which have become indispensable to the operatives in the mining districts of Lake Superior; have established schools, in which the English language, and the ordinary routine of an English education are taught to their youth; have erected school houses and churches, and have become moral, industrious, sober and useful inhabitants, having an ardent desire to remain in peace and social harmony with the citizens of the Upper Peninsula of Michigan, and there to receive the share to which they are entitled under the treaty aforesaid;

## RESOLUTIONS.

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*And whereas,* The citizens residents in their vicinity unanimously desire that the Chippewas aforesaid should remain among them, and have petitioned, in accordance with the desire of said Indians, that their annuities should be paid them at L'Ance, on Lake Superior ;

*And whereas,* The payment of said annuities at that place can be made more economically to the General Government than at Sandy Lake, and requiring said Indians to go from their homes at L'Ance to the place of payment, would tend not only to cause them great loss of time, and much embarrassment, delay, and expense, but would also tend to efface from their minds the salutary precepts of their instructors, and to lead them from their present habits of sobriety, temperance, and industry, to their original wandering habits, and to irregularities and intemperance, from the contaminating influence of the example of their red brethren, who are not, like them, improved in the arts and virtues of civilization ;

*And whereas,* By requiring said Indians permanently to remove from their residence, they would be obliged to abandon their farms, school houses, and churches, and their instructors would be brought into the vicinity of their natural enemies, the Sioux, and into permanent contact with their brethren who have as yet made little improvement ; and such removal would evidently tend to degenerate them, and cause them to return to their former state, and to the pursuits of savage life ;

*And whereas,* It is understood that the general government has dispensed with the farmer, blacksmith, carpenter, and school, and sold the oxen heretofore provided for said Indians, under the treaty aforesaid, and for the purpose, as is believed, to hasten their removal from their present residence ; which provisions in said treaty are now not only useful but necessary for the continued improvement of said Indians ;

*And whereas,* In the opinion of the Legislature, the payment of said annuities, and the restoration of said officers, school, and oxen, without requiring the removal of said Indians, is manifestly equitable, would tend to bind them with the strong cords of love and affection to the white population, to our government, to the cause of education, and the divine precepts of morality and christianity, which are the

## RESOLUTIONS.

foundation of our political strength, preserving uncontaminated by ignorance and vice the purity of our political principles, and the permanency of our free institutions, and would tend, in some small degree, to mitigate the wrongs of an injured race, second to none in the exalted attributes of magnanimity, generosity, and gratitude, but whose destiny has seemed to be to retire at the approach of enterprise, and disappear as civilization advances ; therefore

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be earnestly requested to make the necessary applications, and to urge the passage of such laws as may be requisite to provide for the payment to the Chippewa Indians, now residing at L'Ance and vicinity, on Lake Superior, of their pro rata amount of the annuity guaranteed to them by the treaty made between the United States and the Chippewa Indians, October fourth, eighteen hundred and forty-two, and that they may not be required to remove from lands selected, purchased, and owned and occupied by them, or from their present residence, at and near L'Ance aforesaid ; and that the annuities now due them, and hereafter to become due to them, may be paid at L'Ance, on Lake Superior; and the offices of farmer, blacksmith, and carpenter, and their school and oxen be restored to the Indians aforesaid.

*Resolved further,* That the Governor of this State be requested to forward copies of these resolutions to our Senators and Representatives in Congress, to the President of the United States, and the heads of the departments of the general government.

Approved February 9, 1853.

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[ No. 18. ]

JOINT RESOLUTION relative to conveyance of lot in Lansing to the trustees of the Baptist Church.

*Resolved by the Senate and House of Representatives,* That the Secretary of State be and he is hereby authorized and directed to issue a deed for the conveyance of lot number one in block numbered ninety-five, on section sixteen in the village of Lansing, to the trustees of the First Baptist Church and Society of said village, for

## RESOLUTIONS.

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the purpose of a church lot, upon the express condition that the said trustees surrender to the State of Michigan the deed by which said State of Michigan conveyed to said trustees lot number one, block number one hundred and twenty-six.

Approved February 10, 1853.

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[ No. 19. ]

**PREAMBLE AND JOINT RESOLUTIONS** instructing our Senators and requesting our Representatives in Congress to act relative to a declaration of the views of the United States respecting Colonization on the American Continent by European Powers.

*Whereas*, The Congress of the United States has now under consideration a joint resolution declaring that the "American Continent, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power;" that while existing rights should be respected, and will be by the United States, they owe it to their own safety and interest to announce "that no future European colony or dominion shall, with their consent, be planted or established in any part of the American Continent;" and that should the attempt be made, the Congress of the United States will deliberately declare that it will be viewed as an act originating in motives regardless of their interest and their safety, and which leaves them free to adopt such measures as an independent nation may justly adopt in defense of its rights and its honor;

*And whereas*, While the said resolution disclaims any design upon the Island of Cuba, inconsistent with the laws of Nations, and with the duties which the United States owe to Spain, it asserts the vast importance of making known in the most solemn manner that the Government and people of the United States will view all efforts on the part of any other Power to procure possession, whether peaceably or forcibly, of that Island, as unfriendly acts, directed against our own Government, to be resisted by all the means in our power;



## RESOLUTIONS.

*And whereas,* The policy and sentiment expressed in said joint resolution, before the Congress of the United States, as well as the patriotic and statesman-like course of our distinguished Senator, **Lawson Cass**, in relation to the future public safety and welfare of our country, as connected with this important subject, are in accordance with the sentiment and views of a majority of the people of the State of Michigan; therefore,

*Resolved,* That our Senators in Congress be instructed and our Representatives requested to vote for the passage of the same.

*Resolved,* That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved February 10, 1853.

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[ No. 20. ]

JOINT RESOLUTION for the relief of Almon Whipple.

*Resolved by the Senate and House of Representatives,* That the Auditor General is hereby authorized and required to issue to **Almon Whipple**, land warrants in the place of those now held by him, dated and numbered respectively, as follows: One numbered sixteen hundred and sixty-six, dated Lansing, August twenty-ninth, eighteen hundred and fifty, and for fifty dollars; one dated January tenth, eighteen hundred and fifty, and numbered fourteen hundred and twenty, for fifty dollars; one numbered sixteen hundred and forty, and dated July twenty-fifth, eighteen hundred and fifty, for one hundred dollars. Said warrants are only to be issued on surrendering those now in his possession to said Auditor General, for equal amounts; the time for which the said warrants were made receivable at the Land Office having expired.

Approved February 12, 1853.

[ No. 21. ]

**JOINT RESOLUTION** authorizing the Board of State Auditors to allow certain claims against the State.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized to allow and pay all bills against the State for supplies furnished the Legislature at the present session, upon the certificate of the committee on supplies of the respective Houses that such bills are correct.

Approved February 12, 1853.

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[ No. 22. ]

**JOINT RESOLUTION** relative to an exchange of lots with the First Presbyterian Society of Lansing.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be and is hereby authorized and required to issue a patent to the trustees of the first presbyterian society of Lansing, for lots one and two of block eighty-two, in the village of Lansing, on the surrender by said trustees of the certificates of purchase for said lots, and of the patent heretofore issued to them for lot one of block one hundred and twenty-seven in said village.

Approved February 12, 1853.

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[ No. 23. ]

**JOINT RESOLUTION** relative to refunding money twice paid for certain primary school lands.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be authorized and required to audit, adjust and direct to be credited upon certificates issued for certain primary school lands, Nos. 3664, 3665, 3666, 3667 and 3668, for the re-sale of said lands, October fourteenth, eighteen hundred and fifty-two, the amount paid on certificates before issued for the same lands, and numbered 756, 991, 1006, 1007 and 1415,

which were allowed to be forfeited in consequence of said last named certificates being fraudulently withheld from the purchaser of said lands, so that title to said lands\* could not be acquired thereunder, and the Commissioner of the State Land Office is hereby required to credit to the purchaser of said lands holding the first named certificates, the amount which may be audited and allowed by the Board of State Auditors.

Approved February 12, 1853.

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[ No. 24. ]

PREAMBLE and Joint Resolution relative to certain State Building Lands.

*Whereas*, by an act of Congress, passed on the twenty-third day of June, eighteen hundred and thirty-six, entitled "an act supplementary to an act entitled 'an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions therein expressed,'" it was, among other things, provided "that five entire sections, to be selected and located under the direction of the Legislature, in legal subdivisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States, within said State, are hereby granted to the State for the purpose of completing the public buildings of the said State, or for the erection of public buildings at the seat of government of the said State, as the Legislature may determine and direct ;"

*And whereas*, Under the aforesaid provisions of said act of Congress, the Legislature of this State caused to be selected entire fractional section twenty-five, town seven north of range twelve west, as a part of such five sections ;

*And whereas*, On the sixteenth day of January, A. D. eighteen hundred and forty-three, Willard Sibley became the purchaser, from the State of Michigan of the north half of lot two of said fractional section, at the rate of sixteen dollars per acre, under the provisions of act number sixteen of the Session Laws of one thousand eight hundred and forty-two, and received a certificate of purchase therefor, containing a covenant on the part of the State of Michigan to give

to said Sibley or his assigns, a patent for said land, [on payment of the purchase money and interest thereon as the same should become due under said act ;

*And whereas,* The said Sibley and his assigns have in all respects complied with the conditions of said certificates of purchase, and have paid the State in full therefor, but the patent for said land has hitherto been withheld from said purchaser, in consequence of an adverse claim having been set up to said land ;

*And whereas, also,* A suit is now pending in the circuit court of the United States for the District of Michigan, against the assignee of said Sibley, to eject him from said land, in which suit the title of the State to said land is involved ;

*And whereas, also,* In the opinion of this Legislature, the State of Michigan has a clear and valid title to said land; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor of the State of Michigan may, in his discretion, issue to said Sibley, or his lawful assigns, a patent for the north half of said lot two, in accordance with the conditions of said certificate ; and further, that he take such measures, as in his judgment, shall be proper and necessary to protect the title of the State to the balance of said land.

Approved February 14, 1853.

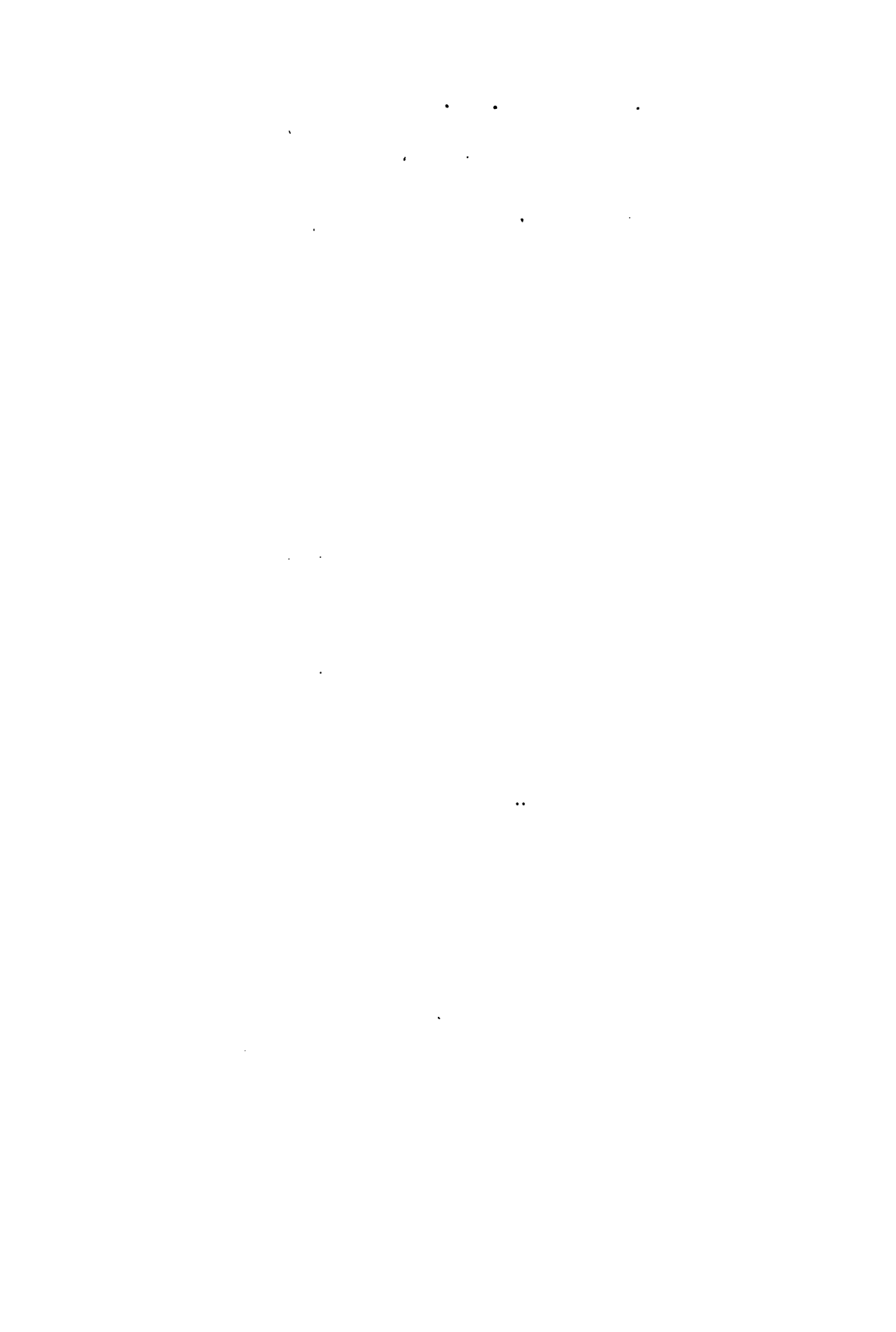
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[ No. 25. ]

JOINT RESOLUTION relative to printing Acts of the Legislature of eighteen hundred and fifty-three, in relation to St. Mary's Canal.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That one thousand copies of the acts relative to the construction of the Sault Ste. Mary's Canal, passed at this session, be printed for the use of the Canal Commissioners, the Governor and Engineer.

Approved February 14, 1853.



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**APPENDIX,**  
**CONTAINING THE**  
**STATE TREASURER'S ANNUAL REPORTS**  
**FOR THE YEARS 1851-'52.**

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# APPENDIX.

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## ANNUAL REPORT of the State Treasurer for the year eighteen hundred and fifty-one.

STATE TREASURER'S OFFICE, }  
Lansing, Mich., January 1st, 1852. }

*To his Excellency, ROBERT McCLELLAND,*  
*Governor of the State of Michigan :*

I beg leave to submit herewith, as I am by law required to do, statements showing the condition of the several funds for the fiscal year ending November 30, 1851.

The balance in the treasury on that date was ninety-seven thousand, three hundred and ninety-one dollars and twenty-one cents, (\$97,391 21.)

During the fiscal year which is past, all demands upon the general fund have been promptly met including the semi-annual interest on our State debt, and funds have also been provided to meet promptly the interest due this day.

It affords me pleasure to say that sufficient funds have accumulated in the treasury, added to the prospective receipts of the coming month, to justify the Fund Commissioners of the State to advertise for and call in one hundred thousand dollars of the bonds of the State in accordance with the provisions of Act No. 200 of the laws of 1846, under which law the said Commissioners have advertised to receive proposals till the first of March next.

Very respectfully,

B. C. WHITTEMORE,

*State Treasurer.*



*State Treasurer of Michigan in account with the State of Michigan.*

DR.

1851.

Nov. 30.	To balance in Treasury Nov. 30, 1850	\$36,057 85
"	" receipts acc't of general fund	210,049 22
"	" " " int. imp. "	100,900 57
"	" " " pri. school "	40,540 22
"	" " " university "	11,534 52
"	" " " pri. sch'l int. fund	35,044 27
"	" " " university int. "	9,724 53
"	" " " State building "	1,475 57
"	" " " asylum "	729 95
"	" " " N. school end't "	3,601 05
"	" " " N. school int. "	206 28
"	" " " Mich. S. R. C. deposits	606 00
Total		<u>\$450,448 03</u>

CR.

1851.

Nov. 30.	By am't paid out on acc't of general fund	\$149,725 97
"	" " internal improvement fund	139,162 82
"	" " primary school interest "	49,160 29
"	" " university interest "	9,827 91
"	" " contingent "	357 50
"	" " M. C. R. R. deposits	141 81
"	" " treasury notes burned	26 00
"	" " asylum fund	1,577 18
"	" " N. school endowment fund	2,550 51
"	" " Normal school interest "	777 03
"	" balance in treasury Nov. 30, 1851	97,391 21
Total		<u>\$450,448 03</u>

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*Ledger Balances November 30, 1851.*

## DR.

1851.

Nov. 30.	Cash .....	\$97,391 21
"	Internal improvement fund .....	292,706 47
"	University interest fund .....	1,114 98
"	State building fund .....	5,895 23
"	Asylum fund .....	755 62
Total	.....	<u>\$397,863 51</u>

## CR.

1851.

Nov. 30.	General fund .....	\$108,222 12
"	Primary school fund .....	238,252 18
"	University fund .....	22,606 29
"	Primary school interest fund .....	15,464 26
"	Contingent fund .....	7,097 98
"	Michigan C. R. R. Co. deposits .....	2,517 96
"	Treasury notes .....	873 00
"	Normal school endowment fund .....	2,220 06
"	Normal school interest fund .....	1 66
"	Mich. S. R. R. Co. deposits .....	606 00
Total	.....	<u>\$397,863 51</u>

## GENERAL FUND.

## DR.

1851.

Nov. 30.	To warrants paid during fiscal year, .....	\$149,725 97
"	" transferred to university interest fund, ....	1,022 88
"	" " internal improvement fund, .....	40,206 89
"	" " contingent fund, .....	6,000 00
"	" " primary school int. fund, ..	15,173 19
"	" " normal school interest fund, ..	171 40
"	" balance Nov. 30, 1851, .....	108,222 12
Total	.....	<u>\$320,624 36</u>

## APPENDIX.

## CR.

Nov. 30. By balance Nov. 30, 1850, .....	\$110,550 14
"    " receipts during fiscal year, .....	210,049 22
"    " transferred to asylum fund, .....	25 00
Total, .....	<u>\$326,624 36</u>

## INTERNAL IMPROVEMENT FUND.

## DR.

1851.

Nov. 30. To balance Nov. 30, 1850, .....	\$294,753 11
"    " warrants paid during fiscal year, .....	139,162 82
Total, .....	<u>\$433,915 93</u>

## CR.

Nov. 30. By receipts during fiscal year, .....	\$100,900 57
"    " transferred from general fund, .....	40,308 89
"    " balance Nov. 30, 1851, .....	292,706 47
Total, .....	<u>\$433,915 93</u>

## PRIMARY SCHOOL FUND.

## DR.

1851.

Nov. 30. To balance Nov. 30, 1851, .....	\$238,252 18
Total, .....	<u>\$238,252 18</u>

## CR.

Nov. 30. By balance Nov. 30, 1850, .....	\$197,711 36
"    " receipts during fiscal year, .....	40,540 22
Total, .....	<u>\$238,252 18</u>

## UNIVERSITY FUND.

## DR.

1851.

Nov. 30. To balance Nov. 30, 1851, .....	\$22,608 29
Total, .....	<u>\$22,608 29</u>

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## CR.

Nov. 30. By balance Nov. 30, 1850,.....	\$11,073 77
"    " receipts during fiscal year,.....	11,534 52
Total,.....	<u>\$22,608 29</u>

## PRIMARY SCHOOL INTEREST FUND.

## DR.

1851.	
Nov. 30. To warrants paid during year,.....	\$49,160 29
"    " balance Nov. 30, 1851,.....	15,464 26
Total,.....	<u>\$64,624 55</u>

## CR.

Nov. 30. By balance Nov. 30, 1850,.....	\$14,407 18
"    " transferred from general fund,.....	15,173 10
"    " receipts during fiscal year,.....	35,044 27
Total,.....	<u>\$64,624 55</u>

## UNIVERSITY INTEREST FUND.

## DR.

1851.	
Nov. 30. To balance Nov. 30, 1850,.....	\$2,034 46
"    " warrants paid during the year,.....	9,827 9
Total,.....	<u>\$11,862 39</u>

## CR.

1851.	
Nov. 30. By receipts during year,.....	\$9,724 53
"    " transferred from the general fund,.....	1,023 86
"    " balance Nov. 30, 1851,.....	1,114 98
Total,.....	<u>\$11,862 39</u>

## APPENDIX.

## CONTINGENT FUND.

## DR.

1851.	
Nov. 30. To warrants paid during year,	\$ 337 50
“ “ balance Nov. 30, 1851,	7,097 98
Total,	<u>\$7,435 48</u>

## CR.

1851.	
Nov. 30. By balance Nov. 30, 1850,	\$1,435 48
“ “ transferred from general fund,	6,000 00
Total,	<u>\$7,435 48</u>

## MICHIGAN CENTRAL RAILROAD COMPANY DEPOSITS.

## DR.

1851.	
Nov. 30. To warrants paid during year,	\$ 141 81
“ “ balance Nov. 30, 1851,	2,517 96
Total,	<u>\$2,659 77</u>

## CR.

1851.	
Nov. 30. By balance Nov. 30, 1850,	\$2,659 77
Total,	<u>\$2,659 77</u>

## STATE BUILDING FUND.

## DR.

1851.	
Nov. 30. To balance Nov. 30, 1850,	\$7,348 80
Total,	<u>\$7,348 80</u>

## CR.

1851.	
Nov. 30. By receipts during year,	\$1,433 57
“ “ balance Nov. 30, 1851,	5,895 23
Total,	<u>\$7,348 80</u>

# APPENDIX.

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## TREASURY NOTES—(SCRIP.)

### DR.

1851.		
Nov. 30.	To notes burned during year,.....	\$ 26 00
"	" balance Nov. 30, 1851,.....	873 00
Total,	.....	<u>\$899 00</u>

### CR.

1851.		
Nov. 30.	By balance Nov. 30, 1850,.....	\$899 00
Total,	.....	<u>\$899 00</u>

## ASYLUM FUND.

### DR.

1851.		
Nov. 30.	To warrants paid during year,.....	\$1,577 18
"	" transferred from gen'l fund,.....	25 00
Total,	.....	<u>\$1,602 18</u>

### CR.

1851.		
Nov. 30.	By balance Nov. 30, 1850,.....	\$116 61
"	" receipts during year,.....	729 95
"	" balance Nov. 30, 1851,.....	755 62
Total,	.....	<u>\$1,602 18</u>

## NORMAL SCHOOL ENDOWMENT FUND.

### DR.

1851.		
Nov. 30.	To warrants paid during year,.....	\$2,380 31
"	" transferred to Normal School int. fund,....	680 38
"	" balance Nov. 30, 1851,.....	2,220 06
Total,	.....	<u>\$5,280 75</u>

## CR.

1851.	
Nov. 30. By balance Nov. 30, 1850,.....	\$1,679 70
"    " receipts during the year,.....	3601 05
Total,.....	<u>\$5,289 75</u>

## NORMAL SCHOOL INTEREST FUND.

## DR.

1851.	
Nov. 30. To balance Nov. 30, 1850,.....	\$339 37
"    " warrants paid during year,.....	717 03
"    " balance Nov. 30, 1851,.....	1 06
Total,.....	<u>\$1,058 06</u>

## CR.

1851.	
Nov. 30. By receipts during year,.....	\$206 28
"    " transferred from nor. school end. fund,....	680 38
"    "                    general fund,.....	171 40
Total,.....	<u>\$1,058 06</u>

## MICHIGAN SOUTHERN RAILROAD COMPANY DEPOSITS.

## DR.

1851.	
Nov. 30. To balance Nov. 30,.....	\$606 00
Total,.....	<u>\$606 00</u>

## CR.

1851.	
Nov. 30. By receipts during year,.....	\$606 00
Total,.....	<u>\$606 00</u>

## ANNUAL REPORT of the State Treasurer for the year 1852.

STATE TREASURER'S OFFICE, }  
Lansing, Dec. 31st, 1852. }

*To the Legislature of the State of Michigan:*

I beg leave to submit herewith, as I am by law required to do, statements showing the condition of the several funds for the fiscal year ending Nov. 30th, 1852.

The balance in the Treasury on that date, was One Hundred and Sixteen Thousand Five Hundred and Fifty-five Dollars and Twenty-one Cents.

During the fiscal year which is past, all demands upon the general fund have been promptly met, including the semi-annual interest on our State debt, and funds are now provided to meet the interest due 1st January, 1853.

I also submit herewith the annual statements of the several Banks in this State, at the time of my annual examination, this month.

I beg leave to call your attention to the subject of the specific tax on Banks and Brokers. The present system is very defective and unequal, and I would respectfully suggest that the circulating notes received by the Banks from the State Treasury, in exchange for the securities deposited by them, be made the basis of taxation; thus making all the capital actually in use by Banks taxable, and equalizing the tax upon all alike.

All of which is respectfully submitted,

B. C. WHITTEMORE,  
*State Treasurer.*



*Treasurer of the State of Michigan, in acc't with the State of Michigan.*

## DR.

1852.

Nov. 30.	To balance in the treasury, Nov. 30, 1851,...	\$97,391	21
	“ receipts on acc't general fund, .....	261,141	67
	“ “ internal imp. fund, .....	86,396	60
	“ “ primary school fund, .....	32,399	81
	“ “ university “ .....	15,911	73
	“ “ prim. school int. “ .....	37,487	87
	“ “ university int. “ .....	11,844	69
	“ “ State building “ .....	2,557	50
	“ “ asylum “ .....	844	02
	“ “ nor. school end. “ .....	1,613	33
	“ “ “ int. “ .....	980	75
	“ “ M. S. R. R. Co. deposits, ..	105	00
Total, .....		\$548,474	18

## CR.

1852.

Nov. 30.	By am't p'd out on acc't general fund, .....	\$116,064	63
	“ “ int'l imp. fund, ....	238,913	55
	“ “ prim. school “ ....	40	42
	“ “ “ int. “ ....	59,907	31
	“ “ univ. “ “ ....	11,524	09
	“ “ contingent “ ....	225	37
	“ “ M. C. R. R. Co. dep. ....	222	87
	“ “ State building fund, ....	10	55
	“ “ Treas. notes burned, ....	77	00
	“ “ asylum fund, .....	89	60
	“ “ nor. sch'l end. fund, ....	3,568	80
	“ “ “ int. “ ....	275	00
	“ “ M. S. R. R. Co. dep., ....	339	28
	“ “ swamp land fund, ..	652	50
Balance in the treasury, Nov. 30, 1852, .....		116,555	21
Total, .....		\$548,474	18

# APPENDIX.

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## Ledger Balances, November 30, 1852.

1852.	DR.	CR.
Nov. 30. Cash,.....	\$116,555 21	
“ General Fund,.....		\$201,687 08
“ Internal Improvement Fund,...	416,223 42	
“ University Fund,.....		38,520 02
“ Primary School Interest Fund,		10,612 13
“ University Interest Fund,.....		957 27
“ Primary School Fund,.....		270,611 57
“ Contingent Fund,.....		9,872 61
“ Mich. C. R. R. Co. deposits,...		2,295 09
“ State building fund,.....	3,348 28	
“ Treasury notes,.....		776 00
“ Asylum Fund,.....	1 20	
“ Normal School Endowment, fund,.....		276 59
“ Normal School Interest Fund,		780 53
“ Mich. Southern R. R. Co. de- posits,.....		371 72
“ Swamp Land fund,.....	652 50	
	<u>\$536,780 61</u>	<u>\$536,780 61</u>

## GENERAL FUND.

### DR.

1852.

Nov. 30. To Warrants paid during the fiscal year,...	\$116,084 63
“ “ transferred to university interest fund,...	1,951 65
“ “ “ primary school “ “ ..	17,567 81
“ “ “ normal school “ “ ..	73 12
“ “ “ internal imp't. “ ..	29,000 00
“ “ “ contingent “ ..	3,000 00
“ “ balance Nov. 30, 1852,.....	201,687 08
	<u>\$369,363 79</u>

## APPENDIX.

## CR.

Nov. 30. By balance Nov. 30, 1851 .....	108,222 12
" receipts during the fiscal year, .....	261,141 67
	<u>\$369,363 79</u>

## INTERNAL IMPROVEMENT FUND.

## DR.

1852.

Nov. 30. To balance Nov. 30, 1851, .....	292,706 47
" warrants paid during fiscal year, .....	238,913 55
	<u>\$531,620 02</u>

## CR.

Nov. 30. By receipts during the fiscal year, .....	86,396 60
" amount transferred from general fund, ....	29,000 00
" balance Nov. 30, 1852, .....	416,223 42
	<u>\$531,620 02</u>

## PRIMARY SCHOOL FUND.

## DR.

1852.

Nov. 30. To warrants paid during fiscal year, .....	40 42
" balance Nov. 30, 1852, .....	270,611 57
Total, .....	<u>\$270,651 99</u>

## CR.

Nov. 30. By balance Nov. 30, 1851 .....	238,252 18
" receipts during fiscal year .....	32,399 81
Total .....	<u>270,651 99</u>

## UNIVERSITY FUND.

## DR.

1852.

Nov. 30. To balance Nov. 30, 1852 .....	<u>\$38,520 02</u>
---	--------------------

## APPENDIX.

### CR.

Nov. 30. By balance Nov. 30, 1851.....	22,608 29
“ receipts during fiscal year.....	15,911 73
Total.....	<u>\$38,520 02</u>

### PRIMARY SCHOOL INTEREST FUND.

#### DR.

1852.	
Nov. 30. To warrants paid during fiscal year.....	59,907 31
“ balance Nov. 30, 1852.....	10,612 13
Total.....	<u>\$70,519 44</u>

### CR.

Nov. 30. By balance Nov. 30, 1851.....	15,484 26
“ am't transferred from general fund.....	17,567 31
“ receipts during fiscal year.....	37,487 87
Total.....	<u>\$70,519 44</u>

### UNIVERSITY INTEREST FUND.

#### DR.

1852.	
Nov. 30. To balance Nov. 30, 1851.....	\$1,114 98
“ warrants paid during fiscal year.....	11,524 09
“ balance Nov. 30, 1852.....	957 27
	<u>\$13,596 34</u>

### CR.

Nov. 30. By receipts during fiscal year.....	\$11,644 69
“ amount transferred from general fund....	1,951 65
	<u>\$13,596 34</u>

### CONTINGENT FUND.

#### DR.

1852.	
Nov. 30. To warrants paid during fiscal year.....	\$225 37
“ balance Nov. 30, 1852.....	9,872 61
	<u>\$10,097 98</u>

## APPENDIX.

## CR.

Nov. 30. By balance Nov. 30, 1851 .....	\$7,097 98
“        amount transferred from general fund ....	3,000 00
	<u>\$10,097 98</u>

## MICHIGAN CENTRAL RAILROAD CO. DEPOSITS.

1852.

## DR.

Nov. 30. To warrants paid during fiscal year .....	\$222 87
“        balance Nov. 30, 1852 .....	2,295 09
	<u>\$2,517 96</u>

## CR.

Nov. 30. By balance Nov. 30, 1851 .....	<u>\$2,517 96</u>
---	-------------------

## STATE BUILDING FUND.

1852.

## DR.

Nov. 20. To balance Nov. 30, 1851 .....	\$5,895 23
“        “ warrants paid during fiscal year .....	10 55
Total .....	<u>\$5,905 78</u>

## CR.

Nov. 30. By receipts during fiscal year .....	\$2,557 50
“        “ balance Nov. 30, 1852 .....	3,348 28
	<u>\$5,905 78</u>

## TREASURY NOTES.

## DR.

1852.

Nov. 30. To treasury notes burned during fiscal year, ....	\$ 77 00
“        “ balance Nov. 30, 1852, .....	796 00
Total, .....	<u>\$873 00</u>

## CR.

Nov. 30. By balance Nov. 30, 1851, .....	<u>\$873 00</u>
--	-----------------

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### I

1852.

Nov. 30. To balance Nov. 30, 1851,.....	
"    " warrants paid during fiscal year,.....	
Total, .....	<u>\$845 22</u>

### CR.

Nov. 30. By receipts during the fiscal year,.....	\$844 02
"    " balance Nov. 30, 1852,.....	1 20
Total, .....	<u>\$845 22</u>

### NORMAL SCHOOL ENDOWMENT FUND.

### DR.

1852.

Nov. 30. To warrants paid during fiscal year,.....	\$3,556 80
"    " balance Nov. 30, 1852,.....	276 59
Total, .....	<u>\$3,833 39</u>

### CR.

Nov. 30. By balance Nov. 30, 1851,.....	\$2,220 06
"    " receipts during fiscal year,.....	1,613 33
Total, .....	<u>\$3,833 39</u>

### NORMAL SCHOOL INTEREST FUND.

### DR.

1852.

Nov. 30. To warrants paid during the fiscal year,.....	\$275 00
"    " balance Nov. 30, 1852,.....	780 53
Total, .....	<u>\$1,055 53</u>

### CR.

Nov. 30. By balance Nov. 30, 1851,.....	\$ 1 66
"    " receipts during fiscal year,.....	980 75
"    " amount transferred from the general fund,....	73 12
Total, .....	<u>\$1,055 53</u>

## MICHIGAN SOUTHERN RAILROAD COMPANY DEPOSITS.

## DR.

1852.

Nov. 30. To warrants paid during fiscal year, .....	\$339 29
“ “ balance Nov. 30, 1852, .....	371 72
Total, .....	<u>\$711 00</u>

## CR.

Nov. 30. By balance Nov. 30, 1851, .....	\$606 00
“ “ receipts during fiscal year, .....	105 00
Total, .....	<u>\$711 00</u>

## SWAMP LAND FUND.

## DR.

1852.

Nov. 30. To warrants paid during fiscal year, .....	<u>\$652 50</u>
---	-----------------

## CR.

Nov. 30. By balance Nov. 30, 1852, .....	<u>\$652 50</u>
--	-----------------

*Statement of the condition of the Macomb County Bank.*

## RESOURCES.

Due from Eastern banks and bankers .....	\$52,762 16
“ other “ “ .....	6,889 11
Foreign bills of exchange .....	75,214 25
Domestic bills .....	74,843 43
Cash—gold and silver .....	39,476 75
“ notes of other banks .....	19,141 00
“ cash items and checks .....	10,225 92
Real estate .....	5,000 00
Bank furniture and fixtures .....	1,969 46
Personal property .....	700 00
Expense account .....	8,937 92
	<u>\$295,160 00</u>

## APPENDIX.

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## LIABILITIES.

Capital stock .....		\$100,000 00
Circulation .....	190,168	
Less amount on hand .....	2,500	
		<u>187,668 00</u>
Due depositors .....		4,921 50
Due other banks .....		955 54
Profit and loss .....		1,614 96
		<u>\$295,160 00</u>

Dated Oct. 4th, 1852.

*Statement of the condition of the Peninsular Bank, Dec. 28, 1852.*

## RESOURCES.

Due from banks and bankers .....	\$103,839 62	
Bills in transit .....	350 00	
		<u>\$104,189 62</u>
Cash—gold and silver .....	28,947 95	
“ notes of other banks .....	19,446 00	
“ cash items .....	1,223 18	
		<u>49,617 13</u>
Foreign bills of exchange .....		60,453 96
Domestic bills .....		81,520 58
Due from others, not included in the above .....		12,193 77
U. S. and Michigan bonds and University warrants ..		25,055 05
State bonds deposited with State Treasurer .....		120,900 00
Expense account .....		1,593 00
Personal estate .....		2,165 35
Bank fixtures .....		2,096 35
Contingent account .....		3,409 90
Due from United States disbursing officers .....		2,971 10
Total .....		<u>\$566,166 41</u>



## LIABILITIES.

Due depositors.....	\$319,341 42
Due other banks.....	1,780 36
Circulation.....	\$120,900
Less this am't on hand.....	1,306
	<hr/> 119,594 00
Profits.....	25,450 63
Capital stock.....	100,000 00
	<hr/> <hr/> \$566,166 41

Henry H. Brown, Cashier of the Peninsular Bank, being duly sworn, declares the above statement of the condition of said Bank to be true, according to the best of his knowledge and belief.

H. H. BROWN,  
Cashier.

Sworn and subscribed before me, this 28th day of Dec'r, 1852.

B. C. WHITTEMORE,  
State Treasurer.

---

*Condition of the Michigan State Bank, Tuesday, December 28th, 1852.*

State stock, (cash value,).....	\$10,000 00
Bonds and mortgages,.....	22,872 39
Judgments,.....	10,292 00
Real estate, value this day,.....	10,246 00
Bills discounted,.....	447,350 97
Furniture, Iron Safes, &c.,.....	1,301 03
M. C. R. R. 8 per cent bonds,.....	36,750 00
Cash—Coin,.....	\$51,801 61
Bank Notes,.....	26,078 00
Checks on banks,.....	5,838 00
Due by banks,.....	89,393 96
	<hr/> 173,111 57
Total,.....	<hr/> <hr/> \$711,923 96

Capital stock, .....	\$151,578 00
Deposits, .....	177,583 16
Circulation, .....	348,366 00
Banks and bankers, .....	3,832 91
Profit and loss, .....	30,913 89
Total, .....	<u>\$711,923 96</u>

*State of Michigan, County of Wayne, ss.*

Alexander H. Adams, Cashier of the Michigan State Bank, being duly sworn, deposeth and saith that the above statement is just and true according to the best of his knowledge and belief.

A. H. ADAMS, Cashier.

Sworn to and subscribed on the 28th day of December, 1852  
before me,

E. C. WALKER,

*Notary Public, Wayne Co., Mich.*

*Statement showing the condition of the Government Stock Bank, on the morning of Dec. 29, 1852.*

RESOURCES.

United States Stocks deposited with State Treasurer as security for circulating notes at par, .....	\$198,000 00
Premium on same, .....	4,035 01
Loans and discounts, .....	63,284 56
Due from banks and bankers on demand, .....	3,204 61
Cash on hand, viz: Gold and silver coin now in vault, .....	\$60,429 52
Gold coin in transit from N. Y., belonging to this bank, 10,000 00	<u>70,429 52</u>
Bank notes on hand, .....	25,490 06
	<u>95,926 52</u>
Plates and bills, .....	1,625 00
Furniture and fixtures, .....	416 12
Expenses, .....	2,087 20
Stock in Metropolitan Bank, N. Y., cost, .....	110 75
Total, .....	<u>\$368,688 77</u>

## LIABILITIES.

Capital stock,.....	\$100,000 00
Countersigned circulating notes received from State	
Treasurer, and in circulation,.....	198,000 00
Profits, .....	2,066 60
Due to banks and bankers on demand,.....	52,322 01
Due depositors on demand,.....	16,300 16
<b>Total,.....</b>	<b>\$368,688 77</b>

*State of Michigan, County of Washtenaw, ss.*

Edwin R. Tremain, President of the Government Stock Bank, being duly sworn, doth depose and say, that the foregoing is a just and true statement of the condition of said Bank on the morning of Dec. 29, 1852, according to the best of his knowledge and belief

EDWIN R. TREMAIN.

Sworn to and subscribed before me this 29th day of December, A. D. 1852.

B. C. WHITTEMORE,  
*State Treasurer.*

---

*Statement showing the condition of the Farmer's and Mechanic's Bank of Michigan, on the morning of the 28th day of December, 1852.*

## RESOURCES.

Bills discounted, and other loans,.....	\$340,288 96
Real estate,.....	110,208 44
Bonds and mortgages,.....	66,124 44
Land contracts,.....	9,331 40
Bills of exchange,.....	37,377 34
Bills in transit,.....	1,339 31
Judgments,.....	16,283 04
Stocks,.....	13,525 00
Personal property,.....	3,571 75
Suspended claims,.....	11,893 80
Michigan State bonds deposited with State Treasurer,	100,001 70
Detroit city bonds,.....	300 00
Due from banks and bankers,.....	10,559 07
"    sundry individuals,.....	16,246 13

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Bank notes and checks, .....	4,198 64
Items counted as cash, .....	5,266 21
Coin, .....	6,638 84
Total, .....	<u>\$753,254 09</u>

## LIABILITIES.

Loans on time, .....	\$92,344 62
Due stockholders for advances, .....	214,225 15
Special deposits applicable to payment of debts due bank, .....	84,588 47
Due banks and bankers, .....	4,103 33
“ depositors, .....	61,005 10
“ for collections, .....	448 31
Unpaid dividends, .....	295 00
“ certificates, .....	74 05
Circulation, .....	42,512 00
Discount, exchange and rent accounts, .....	5,032 20
Suspended accounts, .....	416 86
Excess of resources, .....	248,209 00
Total, .....	<u>\$753,254 09</u>

*State of Michigan, Wayne county, ss:*

H. W. Seymour, Cashier of the Farmer's and Mechanic's Bank of Michigan, being duly sworn, deposes and says that the above is a statement of the condition of said Bank, on the 29th day of Dec., 1852, as appears by the books of said Bank.

H. W. SEYMOUR,

*Cashier.*

Subscribed and sworn to, this 29th day of December, 1852, before me,

ADDISON MANDELL,

*Notary Public, Wayne county, Michigan*

*Statement of the condition of the Michigan Insurance Company's Bank,  
Detroit, December 28, 1852.*

## RESOURCES.

Cash—gold coin, .....	\$73,987 34	
“ silver “ .....	6,499 04	
Bank notes and checks, .....	29,552 22	
	<hr/>	\$110,038 60
Bills discounted, .....		380,559 93
Bonds and mortgages, .....		17,749 69
Real estate, .....		14,642 28
Office furniture, .....		2,556 15
Due from banks and bankers, .....		101,541 42
Railroad bonds and stocks, .....		23,050 00
State stocks deposited with State Treasurer, .....		170,683 60
Total, .....		<hr/> <hr/> \$820,821 67

## LIABILITIES.

Capital stock, .....	\$200,010 00
Profits, .....	30,408 39
Dividends unpaid, .....	319 64
Circulation, .....	\$290,632 00
Less office notes on hand, .....	3,066 00
	<hr/>
	287,566 00
Due to banks and bankers, .....	13,266 97
Due depositors, .....	289,250 67
Total, .....	<hr/> <hr/> \$820,821 67

*State of Michigan, Wayne county, ss.*

H. K. Sanger, cashier of the Michigan Insurance Company's Bank,  
being duly sworn, says the above statement of the condition of said  
Bank is true according to the best of his knowledge and belief.

H. K. SANGER, *Cashier.*

Sworn and subscribed before me this 28th day of December, 1852.

WM. WALKER,

*Not. Pub. for Wayne Co.*

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